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THE

PUBLIC GENERAL STATUTES.

40 & 41 VICTORIÆ, 1877.

THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.

LONDON: 52, CAREY STREET, W.C.

1877.

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PUBLIC GENERAL STATUTES, 1877.

40 & 41 VICTORIÆ.

[THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.]

CAP. I.

An Act to apply the sum of three hundred and fifty thousand pounds out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-seven.
[12th March, 1877.]

CAP. II.

An Act to provide for the preparation, issue, and payment of Treasury Bills, and make further provision respecting Exchequer Bills.
[16th March, 1877.]

CAP. III.

An Act to amend the Publican's Certificates (Scotland) Act, 1876.
[23rd March, 1877.]

CAP. IV.

An Act to amend the Law relating to the granting of Licences for the sale of Beer, Ale, and Porter in Ireland.
[23rd March, 1877.]

Be it enacted, &c. :

1. *Short title.*] This Act may be cited for all purposes as "The Beer Licences Regulation (Ireland) Act, 1877." This Act and "The Beerhouses (Ireland) Act, 1864," and "The Beerhouses (Ireland) Act, 1864, Amendment Act, 1871," shall, so far as is consistent with the respective tenors of such Acts, be construed together as one Act, and may be cited together as "The Beerhouses (Ireland) Acts, 1864-1877."

2. *No licences, transfers, or renewals for sale of beer, &c., for consumption elsewhere than on premises to be granted in respect of premises rated at less than £8, nor in cities, &c., with a population exceeding 10,000 unless premises are rated at £15.*] From and after the first day of July, one thousand eight hundred and seventy-seven, it shall not be lawful for any officer of excise in Ireland to grant a licence or transfer of a licence for the sale of beer, ale, or porter to be drunk or consumed elsewhere than on the premises where sold, or to grant a renewal of any such licence as aforesaid to any person whomsoever, in respect of any premises, unless upon the production of a certificate that such premises, with premises belonging thereto and occupied therewith, if any, are rated for the relief of the poor for a sum of eight pounds or upwards, or in respect of any premises situate in any city or town, as defined by "The Licensing Act (Ireland), 1874," containing a population exceeding ten thousand, according to the then last parliamentary census, unless upon the production of a certificate that such premises, with the premises belonging thereto and occupied therewith, if any, are rated for the relief of the poor in a sum of fifteen pounds or upwards; nor unless upon the production of a certificate that such rated premises, wherever situate, have been in the exclusive occupation of such person for a period of three months at the least immediately preceding the date of such certificate. Every such certificate as is mentioned in this section shall be signed by two or more justices of the peace presiding at the petty sessions of the district in which such person resides, or, if in the Dublin metropolitan police district, by a divisional justice of the district in which such person resides. All applications for such certificates shall be made in the same manner, and subject to the like con-

ditions, as to appeal and otherwise (so far as the same are applicable), as are prescribed by "The Beerhouses (Ireland) Act, 1864," in relation to applications for certificates under the said Act, as the same are amended by "The Licensing Act (Ireland), 1874."

3. *Extension of s. 11 of 27 & 28 Vict. c. 35.*] From and after the passing of this Act, the several provisions of the eleventh section of the Beerhouses (Ireland) Act, 1864, shall be and the same are hereby extended so as to apply to any person licensed to sell beer by wholesale to be consumed off the premises where sold, who shall keep his house or premises open for the sale of beer between the hours of seven o'clock in the morning and seven o'clock in the evening.

CAP. V.

An Act to raise the sum of seven hundred thousand pounds by Exchequer Bills or Exchequer Bonds for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-seven.
[23rd March, 1877.]

CAP. VI.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and seventy-six, one thousand eight hundred and seventy-seven, and one thousand eight hundred and seventy-eight.
[27th March, 1877.]

CAP. VII.

An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters.
[24th April, 1877.]

CAP. VIII.

An Act for the Regulation of her Majesty's Royal Marine Forces while on shore.
[24th April, 1877.]

CAP. IX.

An Act for amending the Supreme Court of Judicature Acts, 1873 and 1875.
[24th April, 1877.]

Be it enacted, &c. :

1. *Construction and short title of Act.*] This Act shall, so far as is consistent with the tenor thereof, be construed as one with the Supreme Court of Judicature Acts, 1873 and 1875, and together with the said Acts may be cited as the Supreme Court of Judicature Acts, 1873, 1875, 1877, and this Act may be cited separately as "The Supreme Court of Judicature Act, 1877."

2. *Appointment of additional judge of High Court of Justice.*] It shall be lawful for her Majesty to appoint a judge of the High Court of Justice in addition to the number of judges of that court authorised to be appointed by the Supreme Court of Judicature Acts, 1873 and 1875.

3. *Position of additional judge.*] The judge appointed in pursuance of this Act shall be in the same position as if he had been appointed a puisne judge of the said High Court in pursuance of the Supreme Court of Judicature Acts, 1873 and 1875; and all the provisions of the Supreme Court of

Judicature Acts, 1873 and 1875, for the time being in force in relation to the qualification and appointment of puisne judges of the said High Court, and to their tenure of office, and to their precedence, and to their salaries and pensions, and to the officers to be attached to the persons of such judges, and all other provisions relating to such puisne judges, or any of them, with the exception of such provisions as apply to existing judges only, shall apply to the additional judge appointed in pursuance of this section in the same manner as they apply to the other puisne judges of the said court respectively. The judge appointed in pursuance of this Act shall be attached to the Chancery Division of the said High Court, subject to such power of transfer as is in the Supreme Court of Judicature Act, 1873, mentioned.

4. *Style of judges.* And whereas it is expedient that a uniform style should be provided for the ordinary judges of the Court of Appeal and for the judges of the High Court of Justice (other than the Presidents of Divisions): Be it enacted, that the ordinary judges of the Court of Appeal shall be styled Lords Justices of Appeal, and the judges of the High Court of Justice (other than the Presidents of Divisions) shall be styled Justices of the High Court.

5. *Definition of puisne judge.* A puisne judge of the High Court of Justice means for the purposes of this Act a judge of the High Court of Justice other than the Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, and their successors respectively.

6. *Continuation until 1st Jan., 1879, of s. 34 of 38 & 39 Vict. c. 77.* Section thirty-four of the Supreme Court of Judicature Act, 1875, shall be construed as if the first day of January one thousand eight hundred and seventy-nine were therein inserted in lieu of the first day of January one thousand eight hundred and seventy-seven.

CAP. X.

An Act to authorise the continuance of the Charge heretofore payable on certain Offices, Annuities, Pensions, and Allowances. [17th May, 1877.]

CAP. XI.

An Act to make provision with respect to Judicial proceedings in certain cases relating to Rating. [17th May, 1877.]

Be it enacted, &c. :

1. *Judges may act in certain cases relating to rates.* No judge shall be incapable of acting in his judicial office in any proceeding, whether commenced before or after the passing of this Act, by reason of his being, as one of several ratepayers, or as one of any other class of persons, liable, in common with the others, to contribute to or to be benefited by any rate which may be increased, diminished, or in any way affected by such proceeding.

2. *Certain acts done before the passing of this Act not to be invalidated.* No act, matter, or thing which before the passing of this Act has been done, made, or executed by any judge prior to the passing of this Act, shall hereafter be quashed or declared void because the same has been so made, done, or executed by any judge who may have been, as one of several ratepayers, or as one of any other class of persons, liable, in common with the others, to contribute to or to be benefited by any rate which may have been increased, diminished, or in any way affected by such act, matter, or thing.

3. *Interpretation.* In this Act, if not inconsistent with the context, the following words and expressions have the meanings herein-after respectively assigned to them; that is to say,

"Judge" means—

- As to England, any judge of her Majesty's High Court of Justice, or her Majesty's Court of Appeal, or of any of the superior courts of law or equity in England as they existed before the constitution of her Majesty's High Court of Justice; and
- As to Ireland, any judge of any of the superior courts of law or equity at Dublin; and
- As to Scotland, any judge of the High Court of Session; and

As to the United Kingdom, any Lord of Appeal, or Peer of Parliament, when sitting and voting in the House of Lords, upon the hearing of any matter brought before that House by way of error, or appeal from any other court.

"Rate" means any rate, tax, duty, or assessment, whether public, general, or local, and also any fund formed from the proceeds of any such rate, tax, duty, or assessment, or applicable to the same or like purposes to which any such rate, tax, duty, or assessment might be applied.

CAP. XII.

An Act to apply the sum of five million nine hundred thousand pounds out of the Consolidated Fund to the service of the year ending the thirty-first day of March, one thousand eight hundred and seventy-eight. [11th June, 1877.]

CAP. XIII.

An Act to grant certain Duties of Customs and Inland Revenue, and to amend the Laws relating to Customs, Inland Revenue, and Savings Banks. [11th June, 1877.]

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto your Majesty the several duties hereinafter mentioned, and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted, &c. :

1. *Short title.* This Act may be cited as "The Customs, Inland Revenue, and Savings Banks Act, 1877."

PART I.

CUSTOMS.

2. *Grant of customs duties on tea.* The duties of customs now charged on tea shall continue to be levied and charged on and after the first day of August, one thousand eight hundred and seventy-seven, until the first day of August, one thousand eight hundred and seventy-eight, on importation into Great Britain or Ireland; (that is to say.)

Tea, the pound - - - Sixpence.

3. *Provisions as to shipment of export goods.*—39 & 40 Vict. c. 36.] The provisions of the one hundred and second section of "The Customs Consolidation Act, 1876," as to warehoused and drawback goods shall apply also to all other goods except so far as relates to their entry and clearance before shipment.

4. *Time for actions against officers extended.* The time within which actions against officers of customs contemplated by section two hundred and seventy-two of "The Customs Consolidation Act, 1876," may be commenced shall be and is hereby extended to two months.

5. *Rule as to costs in customs cases.* In all informations, prosecutions, suits, or proceedings at the suit of the Crown under the Customs Acts the same rule as to costs shall be observed as in suits or proceedings between subject and subject.

PART II.

TAXES.

6. *Grant of duties of income tax.* There shall be charged, collected, and paid for the year commencing on the sixth day of April, one thousand eight hundred and seventy-seven, in respect of all property, profits, and gains mentioned or described as chargeable in the Act of the sixteenth and seventeenth years of her Majesty's reign, chapter thirty-four, the following duties of income tax; (that is to say.)

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act, the duty of threepence:

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments,

and heritages chargeable under schedule (B.) of the said Act,—

In England, the duty of one penny halfpenny ;
In Scotland and Ireland respectively, the duty of one penny farthing.

7. *Provisions of Income Tax Acts to apply to duties hereby granted.*—5 & 6 Vict. c. 35, s. 32, and 23 & 24 Vict. c. 14, s. 6 (repealed by Customs and Inland Revenue Act, 1876), revived and to apply.] All such provisions contained in any Act relating to income tax as were in force on the fifth day of April, one thousand eight hundred and seventy-seven, shall have full force and effect with respect to the duties of income tax granted by this Act, so far as the same shall be consistent with the provisions of this Act ; and for the purposes of this Act the year one thousand eight hundred and sixty-two, mentioned in the forty-third section of the Act of the twenty-fifth and twenty-sixth years of her Majesty's reign, chapter twenty-two, shall be read as and deemed to mean the year one thousand eight hundred and seventy-seven.

Section thirty-two of the Act of the fifth and sixth years of her Majesty's reign, chapter thirty-five, and section six of the Act of the twenty-third and twenty-fourth years of her Majesty's reign, chapter fourteen, which were repealed by the Customs and Inland Revenue Act, 1876, are hereby revived, and shall have full force and effect with respect to the duties granted by this Act, and chargeable under the said Schedule (E.).

8. *Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.*] In order to insure the collection in due time of any duties of income tax which may be granted for the year commencing on the sixth day of April, one thousand eight hundred and seventy-eight, all such provisions contained in any Act relating to the duties of income tax as are in force on the fifth day of April, one thousand eight hundred and seventy-eight, shall have full force and effect with respect to the duties of income tax which may be so granted, in the same manner as if the said duties had been actually granted, and the said provisions had been applied thereto, by an Act of Parliament passed on that day : Provided that nothing in this section shall be deemed to render necessary or authorise the appointment of assessors for such of the said duties as may be payable under Schedules (A.) and (B.) of the said Act of the sixteenth and seventeenth years of her Majesty's reign, chapter thirty-four.

9. *Assessment of income tax under Schedules (A.) and (B.) and of the inhabited house duties for the year 1877-78.*] With respect to the assessment of the duties of income tax hereby granted under Schedules (A.) and (B.) in respect of property elsewhere than in the metropolis, as defined by "The Valuation (Metropolis) Act, 1869," and of the duties on inhabited houses elsewhere than in the said metropolis, for the year commencing on the sixth day of April, one thousand eight hundred and seventy-seven, the following provisions shall have effect :

- (1) The inspectors or surveyors of taxes shall be the assessors for the said duties, and in lieu of the poundage by law granted to be divided between the assessors and collectors in regard to such duties there shall be paid a poundage of three halfpence to the collectors thereof.
- (2) The sum charged as the annual value of any property in the assessment of income tax thereon for the year which commenced on the sixth day of April, one thousand eight hundred and seventy-six, and the sum charged as the annual value of every inhabited house in the assessment made thereon for the same year, shall be taken as the annual value of such property or of such inhabited house for the assessment and charge thereon of the duties of income tax hereby granted, or of inhabited house duty, to all intents and purposes as if such sum had been estimated to be the annual value in conformity with the provisions in that behalf contained in the Acts relating to income tax and the duties on inhabited houses respectively.
- (3) The commissioners executing the said Acts shall for each place within their district cause duplicates of the assessments to be made out and delivered to

the collectors, together with the warrants for collecting the same.

- (4) The commissioners executing the said Acts in England shall for each place within their district appoint such persons, being inhabitants of the place, as they shall think fit, to be collectors of the duties, in like manner as if such persons had been presented to them by assessors in conformity with the said Acts.

PART III.

EXCISE.

10. *On notice given of appeal from decision of justices in Ireland, a record of conviction or acquittal to be lodged with clerk of the peace.*—Form as in schedule.] Where any judgment shall be given by any justice or justices of the peace in Ireland on any complaint or information exhibited by any officer of excise under any of the laws relating to the excise, and the party against whom such judgment shall be given shall give to the said justice or justices notice of appeal therefrom in the manner required by the Act of the seventh and eighth years of King George the Fourth, chapter fifty-three, the said justice or justices shall, three clear days at least before the commencement of the quarter sessions at which the appeal is to be heard, lodge with the clerk of the peace a record of the conviction or acquittal, as the case may be. Every such record shall and lawfully may be in the form set forth in the schedule to this Act, with such variations as may be required by the circumstances of the case.

11. *Alteration of reference in 18 & 19 Vict. c. 33, s. 11.*] Whereas in the eleventh section of the Act of the eighteenth and nineteenth years of her Majesty's reign, chapter thirty-eight, reference is made to the provisions of the Act of the eleventh and twelfth years of her Majesty's reign, chapter one hundred and twenty-one, and for the purpose of the Statute Law Revision it is advisable to alter the terms of such reference :

Be it enacted, that the said section shall be read as applying in regard to certificates, forms of requisition, and other documents to be used under the provisions of the Act, the provisions contained in the Act of the twenty-third and twenty-fourth years of her Majesty's reign, chapter one hundred and fourteen, in lieu of those contained in any section of the said Act of the eleventh and twelfth years of her Majesty's reign, repealed by "The Statute Law Revision Act, 1875."

PART IV.

STAMPS.

11. *Transmission and custody of inventories in Scotland.*] On and after the first day of October next all inventories of the personal or moveable estate and effects of deceased persons which shall be exhibited and recorded in Scotland, under the provisions of any Act of Parliament, shall, together with the oath or affirmation relating thereto, be transmitted by the commissary clerks or the sheriff clerks as often as required to the Controller of Legacy and Succession Duties, at his office in Edinburgh, instead of the Solicitor of Inland Revenue there, and all inventories to be lodged in conformity with the Act of the twenty-third and twenty-fourth years of her present Majesty, chapter eighty, shall be lodged with the said controller instead of the said solicitor, and the said solicitor shall transfer all inventories which have at any time theretofore been filed in his office to the said controller, and the said controller shall have the custody of all inventories so transferred and all inventories so transmitted, and shall file and preserve the same at his office in Edinburgh, and all enactments relating to any such inventories shall be read as if the officer to or with whom inventories are thereby directed to be transmitted or lodged were the Controller of Legacy and Succession Duties in Edinburgh.

13. *Abolition of duties on appointments to benefices.*] After the passing of this Act the duties charged under the Act thirty-three and thirty-four Victoria, chapter ninety-seven, upon appointment, whether by way of donation, presentation, or nomination, and admission, collation, or institution to, or licence to hold any benefice specified in schedule B. to this Act, shall cease to be payable.

PART V.

SAVINGS BANKS.

14. *Payment into Exchequer of surplus interest from Post Office Savings Banks Fund.*—24 & 25 Vict. c. 14.] Whereas in

pursuance of the Post Office Savings Banks Act, 1861, and the Acts amending the same, all moneys deposited in the Post Office Savings Banks in excess of the sums withdrawn by depositors are paid over to the Commissioners for the Reduction of the National Debt and invested by them in securities in their names to the credit of "The Post Office Savings Banks Fund," and it is intended that where the interest accrued from such securities in any year is insufficient to meet the interest required by the said Acts to be paid and credited during that year to depositors, and the expenses incurred during that year in the execution of the said Acts, such deficiency should be paid out of moneys provided by Parliament; and it is expedient to provide for the disposal of any surplus of the interest so accrued above the interest so paid and credited and the said expenses: Be it therefore enacted as follows:

Where the annual account herein-after mentioned of the Commissioners for the Reduction of the National Debt shows that in the year for which the said account is made up the gross amount of interest accrued from the securities standing in their names to the credit of the Post Office Savings Banks Fund exceeded the interest paid and credited during the year to depositors in pursuance of the Acts relating to Post Office Savings Banks, and the expenses, including a sum, to be determined by the Treasury, to provide against depreciation in the value of the securities, incurred during the year in the execution of those Acts, the Commissioners for the Reduction of the National Debt shall, within three months after the date at which the said account is laid before Parliament, cause the amount of such surplus to be paid out of the Post Office Savings Banks Fund into the Exchequer in such manner as may from time to time be agreed on between the Commissioners of her Majesty's Treasury and the Commissioners for the Reduction of the National Debt.

15. *Payment into Exchequer of surplus interest from the Fund for the Banks for Savings.* Whereas in pursuance of the Acts relating to savings banks the sums received from trustees of savings banks have been invested by the Commissioners for the Reduction of the National Debt in securities in their names to the credit of "The Fund for the Banks for Savings," and it is intended that where the interest accrued from such securities in any year is insufficient to meet the interest required by the said Acts to be paid and credited during that year to the said trustees, such deficiency should be paid out of moneys provided by Parliament, and it is expedient to provide for the disposal of any surplus of the interest so accrued above the interest so paid and credited: Be it therefore enacted as follows:

Where the annual account herein-after mentioned of the Commissioners for the Reduction of the National Debt shows that in the year for which the said account is made up the gross amount of interest accrued from the securities standing in their names to the credit of the Fund for the Banks for Savings exceeded the gross amount of interest paid and credited during the year to the trustees of savings banks in pursuance of the Acts relating to savings banks, together with a sum, to be determined by the Treasury, to provide against depreciation in the value of the securities, the Commissioners for the Reduction of the National Debt shall, within three months after the said account is laid before Parliament, cause the amount of such surplus to be paid out of the Fund for the Banks for Savings into the Exchequer in such manner as may from time to time be agreed on between the Commissioners of her Majesty's Treasury and the Commissioners for the Reduction of the National Debt.

16. *Payment into Exchequer of surplus interest from the Fund for Friendly Societies.* Whereas in pursuance of the Acts relating to friendly societies the sums received from friendly societies have been invested by the Commissioners for the Reduction of the National Debt in securities in their names to the credit of "The Fund for Friendly Societies," and it is intended that where the interest accrued from such securities in any year is insufficient to meet the interest required by the said Acts to be paid and credited during that year to the said societies, such deficiency should be paid out of moneys provided by Parliament, and it is expedient to provide for the disposal of any surplus of the interest so accrued above the interest so paid and credited: Be it therefore enacted as follows:

Where the annual account herein-after mentioned of the

Commissioners for the Reduction of the National Debt shows that in the year for which the said account is made up the gross amount of interest accrued from the securities standing in their names to the credit of the Fund for Friendly Societies exceeded the gross amount of interest paid and credited to friendly societies in pursuance of the Acts relating to friendly societies, together with a sum, to be determined by the Treasury, to provide against depreciation in the value of the securities, the Commissioners for the Reduction of the National Debt shall, within three months after the said account is laid before Parliament, cause the amount of such surplus to be paid out of the Fund for Friendly Societies into the Exchequer in such manner as may from time to time be agreed on between the Commissioners of her Majesty's Treasury and the Commissioners for the Reduction of the National Debt.

17. *Annual account of interest accrued and interest paid and credited in respect of Post Office Savings Banks Funds, Fund for Banks for Savings, and Fund for Friendly Societies.* The Commissioners for the Reduction of the National Debt shall annually make out three separate accounts, as follows:—

- (1) An account with respect to the year ending on the thirty-first day of December, showing on the one side the interest accrued in respect of the securities standing to the credit of the Post Office Savings Banks Fund, and showing on the other side the interest paid and credited to depositors in pursuance of the Acts relating to Post Office Savings Banks, and the expenses incurred in the execution of those Acts; and,
- (2) An account with respect to the year ending on the twentieth day of November, showing on the one side the interest accrued from the securities standing to the credit of the Fund for the Banks for Savings, and showing on the other side the interest paid and credited to the trustees of savings banks; and,
- (3) An account with respect to the year ending on the twentieth day of November, showing on the one side the interest accrued from the securities standing to the credit of the Fund for Friendly Societies, and showing on the other side the interest paid and credited to friendly societies.

Every account under this section shall be laid before both Houses of Parliament on or before the thirtieth day of April after the end of the year for which it is made, if Parliament be then sitting, or if not, within one week after the then next meeting of Parliament.

The first account under this section shall be laid before both Houses of Parliament with respect to the years ending respectively on the thirty-first day of December and the twentieth day of November, one thousand eight hundred and seventy-six, and shall be laid before Parliament within one month after the passing of this Act.

SCHEDULE A.

FORM OF CONVICTION OR ACQUITTAL.

of { Be it remembered, that on the day of
to wit, { in the year of our Lord one thousand eight
 { hundred and , at in the
of , one , an officer of excise, personally exhibited by order of the Commissioners of Inland Revenue, to and before , one of her Majesty's justices of the peace for the said , a certain complaint [or information, as the case may be] on behalf of her Majesty, and thereby informed the said justice that [here state the offence or offences as in the complaint or information], and the said , having been duly summoned to appear and answer the said complaint [or information], appeared before me [or us, as the case may be], one [or more, as the case may be] of her Majesty's justices of the peace for the said , on the day of , in the year of our Lord one thousand eight hundred and , and declared that he was not guilty of the said offence [or offences] charged in the said complaint [or information] (or did not appear before me [or us], &c. at the time and place appointed in the said summons, but proof of the due service of the said summons upon the said was proved as required by law). Whereupon I [or we], the said last-mentioned justice [or justices], did at the time and place last mentioned proceed to hear the said complaint [or information],

and did examine on oath certain witnesses produced to us, that is to say: (or if defendant appears and confesses the offence or offences state the fact), and I [or we], the said last-mentioned justice [or justices], having considered the premises, do hereby convict [or acquit, as the case may be] the said of the offence [or offences] charged in the said complaint [or information] (adding in case of conviction), and I [or we] do hereby declare and adjudge that he has forfeited for the said offence [or offences] the penalty of (and if the penalty is mitigated say), which said penalty I [or we] do, by virtue of the statute in that case made and provided, mitigate to the sum of to be paid and accounted for as directed by the statutes in that behalf [where more than one offence is charged, state the particular count or counts upon which the defendant is convicted]. Given under my hand and seal [or our hands and seals] at aforesaid, in the said of this day of , in the year of our Lord one thousand eight hundred and

SCHEDULE B.

STAMP DUTIES REPEALED.

Charged under 33 & 34 Vict. c. 97.

Appointment, whether by way of donation, presentation, or nomination, and admission, collation, or institution to office or licence to hold—

Any ecclesiastical benefice, dignity, or promotion, or any perpetual curacy—

In England:

If the net value thereof exceeds—

£	£	£ s. d.
50 and does not exceed 100	100	1 0 0
100 " " 150	150	2 0 0
150 " " 200	200	3 0 0
200 " " 250	250	4 0 0
250 " " 300	300	5 0 0
300		7 0 0

And also (if such yearly value exceeds £300)

for every £100 of such yearly value over

and above £200, a further duty of

In Scotland 2 0 0

CAP. XIV.

An Act for the Amendment of the Law of Evidence in certain cases of Misdemeanour. [28th June, 1877.

Whereas it is expedient further to amend the law of evidence:

Be it enacted, &c.:

1. *Defendant, and wife or husband of defendant, may be witness in certain trials.* On the trial of any indictment or other proceeding for the non-repair of any public highway or bridge, or for a nuisance to any public highway, river, or bridge, and of any other indictment or proceeding instituted for the purpose of trying or enforcing a civil right only, every defendant to such indictment or proceeding, and the wife or husband of any such defendant, shall be admissible witnesses and compellable to give evidence.

CAP. XV.

An Act to amend the Public Libraries Act (Ireland), 1855. [28th June, 1877.

18 & 19 Vict. c. 40.] Whereas it is expedient to amend the Public Libraries Act (Ireland), 1855, in the manner herein-after mentioned:

Be it enacted, &c.:

1. *Short title.* In citing this Act for any purpose whatever it shall be sufficient to use the expression "The Public Libraries (Ireland) Amendment Act, 1877."

2. *Interpretation.* The term "principal Act" shall mean the Public Libraries Act (Ireland), 1855.

3. *Powers of principal Act extended to schools of music.* The terms "science and art" and "schools of science and art" used in the said principal Act shall be deemed to include the science and art of music and schools of music respectively; and the council or board of any borough or the town commissioners of any town shall be at liberty to apply such portion as they may deem fit of the rate which

they are or may be authorized to levy, under the provision of the principal Act, towards the maintenance and support of, and payment of the salaries of teachers of a school or schools of music, and the purchase of musical instruments, books, and other requisites for the use of such school or schools.

4. *Constitution of the committee of management.* The committee in which the general management, regulation, and control of such libraries, museums, or schools may be vested under the provisions of the twelfth section of the principal Act, may consist in part of persons not members of the council or board, or commissioners.

2. *Powers to borrow on mortgage.* For carrying the principal Act and this Act into execution the council, board, or commissioners respectively may, with the approval of the Commissioners of her Majesty's Treasury, from time to time borrow, at interest, on the security of a mortgage or bond of the borough fund or the town fund, or of the rates levied in pursuance of the principal Act, such sums of money as may be by them respectively required, and the Commissioners of Public Works in Ireland may from time to time advance and lend any such sums of money. The clauses and provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of money on mortgage or bond, and the accountability of officers, and the recovery of damages and penalties, so far as such provisions may respectively be applicable to the purposes of the principal Act and of this Act, shall be respectively incorporated therewith.

6. *Principal Act and this Act to be construed as one Act.* The said principal Act and this Act shall be read and construed together as one Act.

CAP. XVI.

An Act to facilitate the removal of Wrecks obstructing Navigation. [28th June, 1877.

Be it enacted, &c.:

1. *Short title.* This Act may be cited as the Removal of Wrecks Act, 1877.

2. *Application of Act.* This Act shall not apply to ships belonging to her Majesty.

3. *Interpretation of terms.*—17 & 18 Vict. c. 104.] In this Act,—

The term "harbour" includes harbours properly so called, whether natural or artificial, estuaries, navigable rivers, piers, jetties, and other works in or at which ships can obtain shelter, or ship and unship goods or passengers;

The term "tidal water" means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides, and not being a harbour;

The term "harbour authority" includes all persons or bodies of persons, corporate or unincorporate, being proprietors of, or intrusted with the duty or invested with the power of constructing, improving, managing, regulating, maintaining, or lighting a harbour;

The term "conservancy authority" includes all persons or bodies of persons, corporate or unincorporate, intrusted with the duty or invested with the power of conserving, maintaining, or improving the navigation of a tidal water; and

The term "general lighthouse authority" has the same meaning as it has in the Merchant Shipping Act, 1854.

4. *Power for harbour or conservancy authority to remove wreck.* Where any vessel is sunk, stranded, or abandoned in any harbour or tidal water under the jurisdiction of a harbour or conservancy authority, or in or near any approach thereto, in such manner as in the opinion of the authority to be, or be likely to become, an obstruction or danger to navigation in that harbour or water, or in any approach thereto, the authority may take possession of and raise, remove, or destroy the whole or any part of the vessel, and may light or buoy any such vessel or part until the raising, removal, or destruction thereof, and may sell, in such manner as they think fit, any vessel or part so raised or removed, and also any other property recovered in the exercise of their powers under this Act, and may out of the proceeds of such sale reimburse themselves for the expenses incurred by them under this Act and shall

hold the surplus, if any, of such proceeds in trust for the persons entitled thereto.

Provided as follows :

- (1) Except in the case of property which is of a perishable nature, or which would deteriorate in value by delay, a sale shall not be made under this Act until at least seven clear days' notice of the intended sale has been given by advertisement in some local newspaper circulating in or near the district over which the authority have jurisdiction ; and
- (2) At any time before any property is sold under this Act, the owner thereof shall be entitled to have the same delivered to him on payment to the authority of the fair market value thereof, to be ascertained by agreement between the authority and the owner, or failing such agreement by some person to be named for the purpose by the Board of Trade, and the sum paid to the authority as the value of any property under this provision shall, for the purposes of this Act, be deemed to be the proceeds of sale of that property.

5. *Power for general lighthouse authority to remove wreck.*] Where any vessel is sunk, stranded, or abandoned in any fairway, or on the seashore, in the United Kingdom, the Channel Islands, or the Isle of Man, or any of the adjacent seas or islands, and there is not any harbour or conservancy authority having power to raise, remove, or destroy the same, the general lighthouse authority for that part of the United Kingdom in or near which the vessel is situated shall, if in their opinion the same is or is likely to become an obstruction or danger to navigation, have the same powers in relation thereto as are by this Act conferred upon a harbour or conservancy authority.

All expenses incurred by the general lighthouse authority under this Act, and not reimbursed in manner provided by this Act, shall be paid out of the Mercantile Marine Fund.

6. *Powers of removal to extend to tackle, cargo, &c.*] The provisions of this Act shall apply to every article or thing or collection of things being or forming part of the tackle, equipments, cargo, stores, or ballast of a vessel in the same manner as if it were included in the term "vessel," and for the purposes of this Act any proceeds of sale arising from a vessel and from the cargo thereof, or any other property recovered therefrom, shall be regarded as a common fund.

7. *Power for Board of Trade to determine certain questions between authorities.*] If any question arises between a harbour or conservancy authority on the one hand and a general lighthouse authority on the other hand, as to their respective powers under this Act in relation to any place being in or near an approach to a harbour or tidal water, the same shall, on the application of either authority, be referred to the decision of the Board of Trade, and that decision shall be final.

8. *Powers of Act cumulative.*] The powers conferred by this Act shall be deemed to be in addition to and not in derogation of any other powers for the like object.

CAP. XVII.

An Act to amend the Law relating to the Division of Courts of Quarter Sessions in Boroughs.

[28th June, 1877.]

Whereas by the Act of the session of the seventh year of William the Fourth and the first of her Majesty, chapter nineteen, provision is made for the better despatch of business in courts of quarter sessions for corporate cities or towns by the division of such courts, and by the appointment of an assistant barrister to preside in one division of any such court :

And whereas under the provisions of the said Act a resolution of the town council approving of the exercise of the powers of the said Act is required upon each occasion upon which such powers are proposed to be exercised, and it is provided that the assistant barrister and the assistant officers of the court shall not be entitled to claim remuneration for more than two days :

And whereas it is expedient to amend the said Act :

Be it enacted, &c. :

1. *Amendment of 7 W. 4 & 1 Vict. c. 19.*] Where a resolution of the council of a corporate city or town approving of the exercise of the powers of the recited Act has been passed and certified as directed by the first section of the said Act, the resolution and the certificate thereof shall, if the resolution so provides, continue in force during twelve months from the date of the resolution, and during such continuance no fresh resolution or certificate shall be necessary.

2. *Increase of time for which assistant barrister and others may be remunerated.*] It shall be lawful for the council of any corporate city or town, with the consent of one of her Majesty's Principal Secretaries of State, from time to time, by resolution, to extend from two to not exceeding four the number of days for which an assistant barrister, assistant clerk of the peace, or additional clerk shall be entitled to claim remuneration under the provisions of the recited Act ; any such resolution may be made for such period and subject to revocation in such manner as the said Secretary of State approves.

CAP. XVIII.

An Act to consolidate and amend the Law relating to Leases and Sales of Settled Estates.

[28th June, 1877.]

Whereas it is expedient to consolidate and amend the law relating to leases and sales of settled estates :

Be it enacted, &c. :

1. *Short title.*] This Act may be cited for all purposes as "The Settled Estates Act, 1877."

2. *Interpretation of "settlement" and "settled estates."*] The word "settlement" as used in this Act shall signify any Act of Parliament, deed, agreement, copy of court roll, will, or other instrument, or any number of such instruments, under or by virtue of which any hereditaments of any tenure or any estates or interests in any such hereditaments stand limited to or in trust for any persons by way of succession, including any such instruments affecting the estates of any one or more of such persons exclusively.

The term "settled estates" as used in this Act shall signify all hereditaments of any tenure, and all estates or interests in any such hereditaments, which are the subject of a settlement ; and for the purposes of this Act a tenant-in-tail after possibility of issue extinct shall be deemed to be a tenant for life.

All estates or interests in remainder or reversion not disposed of by the settlement, and reverting to a settlor or descending to the heir of a testator, shall be deemed to be estates coming to such settlor or heir under or by virtue of the settlement.

In determining what are settled estates within the meaning of this Act, the court shall be governed by the state of facts, and by the trusts or limitations of the settlement at the time of the said settlement taking effect.

3. *Interpretation of "the court."*] The expression "the court" in this Act shall, so far as relates to estates in England, mean the High Court of Justice, and all causes and matters in respect of such estates commenced or continued under this Act shall, subject to the provisions of the Judicature Acts, be assigned to the Chancery Division of the High Court of Justice in like manner as if such causes and matters had arisen under an Act of Parliament by which, prior to the passing of the Judicature Acts, exclusive jurisdiction in respect of such causes and matters had been given to the Court of Chancery, or to any judges or judge thereof respectively.

The expression "the court" in this Act shall, so far as relates to estates in Ireland, mean the Court of Chancery in Ireland.

4. *Power to authorise leases of settled estates.*] It shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act contained, to authorise leases of any settled estates, or of any rights or privileges over or affecting any settled estates, for any purpose whatsoever, whether involving waste or not, provided the following conditions be observed :

First. Every such lease shall be made to take effect in

possession at or within one year next after the making thereof, and shall be for a term of years not exceeding for an agricultural or occupation lease, so far as relates to estates in England twenty-one years, or so far as relates to estates in Ireland thirty-five years, and for a mining lease or a lease of water mills, way leaves, water leaves, or other rights or easements forty years, and for a repairing lease sixty years, and for a building lease ninety-nine years: Provided always, that any such lease (except an agricultural lease) may be for such term of years as the court shall direct, where the court shall be satisfied that it is the usual custom of the district and beneficial to the inheritance to grant such a lease for a longer term than the term herein-before specified in that behalf:

Secondly. On every such lease shall be reserved the best rent or reservation in the nature of rent, either uniform or not, that can be reasonably obtained, to be made payable half-yearly or oftener without taking any fine or other benefit in the nature of a fine: Provided always, that in the case of a mining lease, a repairing lease, or a building lease a peppercorn rent or any smaller rent than the rent to be ultimately made payable may, if the court shall think fit so to direct, be made payable during all or any part of the first five years of the term of the lease:

Thirdly. Where the lease is of any earth, coal, stone, or mineral, a certain portion of the whole rent or payment reserved shall be from time to time set aside and invested as herein-after mentioned, namely, when and so long as the person for the time being entitled to the receipt of such rent is a person who by reason of his estate or by virtue of any declaration in the settlement is entitled to work such earth, coal, stone, or mineral for his own benefit, one fourth part of such rent, and otherwise three fourth parts thereof; and in every such lease sufficient provision shall be made to ensure such application of the aforesaid portion of the rent by the appointment of trustees or otherwise as the court shall deem expedient:

Fourthly. No such lease shall authorise the felling of any trees except so far as shall be necessary for the purpose of clearing the ground for any buildings, excavations, or other works authorised by the lease:

Fifthly. Every such lease shall be by deed, and the lessee shall execute a counterpart thereof, and every such lease shall contain a condition for re-entry on nonpayment of the rent for a period of twenty-eight days after it becomes due, or for some less period to be specified in that behalf.

5. *Leases may contain special covenants.*] Subject and in addition to the conditions herein-before mentioned, every such lease shall contain such covenants, conditions, and stipulations as the court shall deem expedient with reference to the special circumstances of the demise.

6. *Parts of settled estates may be leased.*] The power to authorise leases conferred by this Act shall extend to authorise leases either of the whole or any parts of the settled estates, and may be exercised from time to time.

7. *Leases may be surrendered and renewed.*] Any leases, whether granted in pursuance of this Act or otherwise, may be surrendered either for the purpose of obtaining a renewal of the same or not, and the power to authorise leases conferred by this Act shall extend to authorise new leases of the whole or any part of the hereditaments comprised in any surrendered lease.

8. *Power to authorise leases to extend to preliminary contracts.*] The power to authorise leases conferred by this Act shall extend to authorise preliminary contracts to grant any such leases, and any of the terms of such contracts may be varied in the leases.

9. *Powers of leasing to include powers to lords of settled manors to give licenses to their copyhold or customary tenants to grant leases.*] All the powers to authorise and to grant leases contained in this Act shall be deemed to include respectively powers to authorise the lords of settled manors and powers to the lords of settled manors to give licenses to their copyhold or customary tenants to grant leases of lands held by them of such manors to the same extent and for the same purposes as leases may be authorised or granted of freehold hereditaments under this Act.

10. *Mode in which leases may be authorised.*] The power to authorise leases conferred by this Act may be exercised by the court either by approving of particular leases or by ordering that powers of leasing, in conformity with the provisions of this Act, shall be vested in trustees in manner herein-after mentioned.

11. *What evidence to be produced on an application to authorise leases.*] When application is made to the court either to approve of a particular lease or to vest any powers of leasing in trustees, the court shall require the applicant to produce such evidence as it shall deem sufficient to enable it to ascertain the nature, value, and circumstances of the estate, and the terms and conditions on which leases thereof ought to be authorised.

12. *After approval of a lease, court to direct who shall be the lessor.*] When a particular lease or contract for a lease has been approved by the court, the court shall direct what person or persons shall execute the same as lessor; and the lease or contract executed by such person or persons shall take effect in all respects as if he or they was or were at the time of the execution thereof absolutely entitled to the whole estate or interest which is bound by the settlement, and had immediately afterwards settled the same according to the settlement, and so as to operate (if necessary) by way of revocation and appointment of the use or otherwise, as the court shall direct.

13. *Powers of leasing may be vested in trustees.*] Where the court shall deem it expedient that any general powers of leasing any settled estates conformably to this Act should be vested in trustees, it may by order vest any such power accordingly either in the existing trustees of the settlement or in any other persons, and such powers, when exercised by such trustees, shall take effect in all respects as if the power so vested in them had been originally contained in the settlement, and so as to operate (if necessary) by way of revocation and appointment of the use or otherwise, as the court shall direct; and in every such case the court, if it shall think fit, may impose any conditions as to consents or otherwise on the exercise of such power, and the court may also authorise the insertion of provisions for the appointment of new trustees from time to time for the purpose of exercising such powers of leasing as aforesaid.

14. *Conditions that leases be settled by the court not to be inserted in orders made under this Act.*] Provided always, that in orders under this Act for vesting any powers of leasing in any trustees or other persons, no conditions shall be inserted requiring that the leases thereby authorised should be submitted to or be settled by the court or a judge thereof, or be made conformable with a model lease deposited in the judge's chambers, save only in any case in which the parties applying for the order may desire to have any such condition inserted, or in which it shall appear to the court that there is some special reason rendering the insertion of such a condition necessary or expedient.

15. *Conditions where inserted may be struck out.*] Provided also, that in all cases of orders (whether under this Act or under the corresponding enactment of the Acts hereby repealed) in which any such condition as last aforesaid shall have been inserted, it shall be lawful for any party interested to apply to the court to alter and amend such order by striking out such condition, and the court shall have full power to alter the same accordingly, and the order so altered shall have the same validity as if it had originally been made in its altered state; but nothing herein contained shall make it obligatory on the court to act under this provision in any case in which from the evidence which was before it when the order sought to be altered was made, or from any other evidence, it shall appear to the court that there is any special reason why in the case in question such a condition is necessary or expedient.

16. *Court may authorise sales of settled estates and of timber.*] It shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act contained, from time to time to authorise a sale of the whole or any parts of any settled estates or of any timber (not being ornamental timber) growing on any settled estates, and every such sale shall be conducted and confirmed in the same manner as by the rules and practice of the court for the time being is or shall be required in the sale of lands sold under a decree of the court.

17. *Proceedings for protection.*] It shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties who are or may hereafter be entitled under the settlement, and subject to the provisions and restrictions in this Act contained, to sanction any action, defence, petition to Parliament, parliamentary opposition, or other proceedings appearing to the court necessary for the protection of any settled estate, and to order that all or any part of the costs and expenses in relation thereto be raised and paid by means of a sale or mortgage of or charge upon all or any part of the settled estate, or be raised and paid out of the rents and profits of the settled estate, or out of any moneys or investments representing moneys liable to be laid out in the purchase of hereditaments to be settled in the same manner as the settled estate, or out of the income of such moneys or investments, or out of any accumulation of rents, profits, or income.

18. *Consideration for land sold for building may be a fee-farm rent.*] When any land is sold for building purposes it shall be lawful for the court, if it shall see fit, to allow the whole or any part of the consideration to be a rent issuing out of such land, which may be secured and settled in such manner as the court shall approve.

19. *Minerals, &c., may be excepted from sales.*] On any sale of land any earth, coal, stone, or mineral may be excepted, and any rights or privileges may be reserved, and the purchaser may be required to enter into any covenants or submit to any restrictions which the court may deem advisable.

20. *Court may authorise dedication of any part of settled estates for streets, roads, and other works.*] It shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act contained, from time to time to direct that any part of any settled estates be laid out for streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, either to be dedicated to the public or not; and the court may direct that the parts so laid out shall remain vested in the trustees of the settlement, or be conveyed to or vested in any other trustees upon such trusts for securing the continued appropriation thereof to the purposes aforesaid in all respects, and with such provisions for the appointment of new trustees when required, as by the court shall be deemed advisable.

21. *As to laying out and making and executing and maintaining streets, roads, and other works, and expenses thereof.*] Where any part of any settled estates is directed to be laid out for such purposes as aforesaid, the court may direct that any such streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, including all necessary or proper fences, pavings, connections, and other works incidental thereto respectively, be made and executed, and that all or any part of the expenses in relation to such laying out and making and execution be raised and paid by means of a sale or mortgage of or charge upon all or any part of the settled estates, or be raised and paid out of the rents and profits of the settled estates or any part thereof, or out of any moneys or investments representing moneys liable to be laid out in the purchase of hereditaments to be settled in the same manner as the settled estate, or out of the income of such moneys or investments, or out of any accumulations of rents, profits, or income; and the court may also give such directions as it may deem advisable for any repair or maintenance of any such streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, or other works, out of any such rents, profits, income, or accumulations during such period or periods of time as to the court shall seem advisable.

22. *How sales and dedications are to be effected under the direction of the court.*] On every sale or dedication to be effected as herein-before mentioned the court may direct what person or persons shall execute the deed of conveyance; and the deed executed by such person or persons shall take effect as if the settlement had contained a power enabling such person or persons to effect such sale or dedication, and so as to operate (if necessary) by way of revocation and appointment of the use or otherwise, as the court shall direct.

23. *Application by petition to exercise powers conferred by this Act.*] Any person entitled to the possession or to the receipt of the rents and profits of any settled estates for a term

of years determinable on his death, or for an estate for life or any greater estate, and also any person entitled to the possession or to the receipt of the rents and profits of any settled estates as the assignees of any person who but for such assignment would be entitled to such estates for a term of years determinable with any life, or for an estate for any life or any greater estate, may apply to the court by petition in a summary way to exercise the powers conferred by this Act.

24. *With whose consent such application to be made.*] Subject to the exceptions herein-after contained, every application to the court must be made with the concurrence or consent of the following parties; namely,

Where there is a tenant-in-tail under the settlement in existence and of full age, then the parties to concur or consent shall be such tenant-in-tail, or if there is more than one such tenant-in-tail, then the first of such tenants-in-tail and all persons in existence having any beneficial estate or interest under or by virtue of the settlement prior to the estate of such tenant-in-tail, and all trustees having any estate or interest on behalf of any unborn child prior to the estate of such tenant-in-tail;

And in every other case the parties to concur or consent shall be all the persons in existence having any beneficial estate or interest under or by virtue of the settlement, and also all trustees having any estate or interest on behalf of any unborn child.

25. *Court may dispense with consent in respect of certain estates.*] Provided always, that where an infant is tenant-in-tail under the settlement, it shall be lawful for the court, if it shall think fit, to dispense with the concurrence or consent of the person, if only one, or all or any of the persons, if more than one, entitled, whether beneficially or otherwise, to any estate or interest subsequent to the estate tail of such infant.

26. *Notice to be given to persons who do not consent to or concur in the application.*] Provided always, that where on an application under this Act the concurrence or consent of any such person as aforesaid shall not have been obtained, notice shall be given to such person in such manner as the court to which the application shall be made shall direct, requiring him to notify within a time to be specified in such notice whether he assents to or dissents from such application, or submits his rights or interests so far as they may be affected by such application to be dealt with by the court, and every such notice shall specify to whom and in what manner such notification is to be delivered or left. In case no notification shall be delivered or left in accordance with the notice and within the time hereby limited, the person to or for whom such notice shall have been given or left shall be deemed to have submitted his rights and interests to be dealt with by the court.

27. *Court may dispense with notice under certain circumstances.*] Provided also, that where on an application under this Act the concurrence or consent of any such person as aforesaid shall not have been obtained, and in case such person cannot be found, or in case it shall be uncertain whether he be living or dead, or in case it shall appear to the court that such notice as aforesaid cannot be given to such person without expense disproportionate to the value of the subject-matter of the application, then and in any such case the court, if it shall think fit, either on the ground of the rights or interests of such person being small or remote, or being similar to the rights or interests of any other person or persons, or on other ground, may by order dispense with notice to such person, and such person shall thereupon be deemed to have submitted his rights and interests to be dealt with by the court.

28. *Court may dispense with consent, having regard to the number and interests of parties.*] An order may be made upon any application notwithstanding that the concurrence or consent of any such person as aforesaid shall not have been obtained or shall have been refused, but the court in considering the application shall have regard to the number of persons who concur in or consent to the application, and who dissent therefrom or who submit or are to be deemed to submit their rights or interests to be dealt with by the court, and to the estates or interests which such persons respectively have or claim to have in the estate as to which such application is made; and every order of the court made upon such

application shall have the same effect as if all such persons had been consenting parties thereto.

29. *Petition may be granted without consent, saving rights of non-consenting parties.*] Provided nevertheless, that it shall be lawful for the court, if it shall think fit, to give effect to any petition subject to and so as not to affect the rights, estate, or interest of any person whose concurrence or consent has been refused, or who has not submitted or is not deemed to have submitted his rights or interests to be dealt with by the court, or whose rights, estate, or interest ought in the opinion of the court to be excepted.

30. *Notice of application to be served on all trustees, &c.*] Notice of any application to the court under this Act shall be served on all trustees who are seised or possessed of any estate in trust for any person whose consent or concurrence to or in the application is hereby required, and on any other parties who in the opinion of the court ought to be so served, unless the court shall think fit to dispense with such notice.

31. *Notice of application to be given in newspapers if court direct.*] Notice of any application to the court under this Act shall, if the court shall so direct, but not otherwise, be inserted in such newspapers as the court shall direct, and any person or body corporate, whether interested in the estate or not, may apply to the court by motion for leave to be heard in opposition to or in support of any application which may be made to the court under this Act; and the court is hereby authorised to permit such person or corporation to appear and be heard in opposition to or support of any such application, on such terms as to costs or otherwise, and in such manner, as it shall think fit.

32. *No application under this Act to be granted where a similar application has been rejected by Parliament.*] The court shall not be at liberty to grant any application under this Act in any case where the applicant, or any party entitled, has previously applied to either House of Parliament for a private Act to effect the same or a similar object, and such application has been rejected on its merits, or reported against by the judges to whom the Bill may have been referred.

33. *Notice of the exercise of powers to be given as directed by the court.*] The court shall direct that some sufficient notice of any exercise of any of the powers conferred on it by this Act shall be placed on the settlement or on any copies thereof, or otherwise recorded in any way it may think proper, in all cases where it shall appear to the court to be practicable and expedient for preventing fraud or mistake.

34. *Payment and application of moneys arising from sales or set aside out of rent, &c., reserved on mining leases.*] All money to be received on any sale effected under the authority of this Act, or to be set aside out of the rent or payments reserved on any lease of earth, coal, stone, or minerals as aforesaid, may, if the court shall think fit, be paid to any trustees of whom it shall approve, or otherwise the same, so far as relates to estates in England, shall be paid into court ex parte the applicant in the matter of this Act, and so far as relates to estates in Ireland, shall be paid into the Bank of Ireland to the account of the Accountant-General ex parte the applicant in the matter of this Act; and such money shall be applied as the court shall from time to time direct to some one or more of the following purposes, namely,—

So far as relates to estates in England the purchase or redemption of the land tax, and so far as relates to estates in Ireland the purchase or redemption of rent-charge in lieu of tithes, Crown rent, or quit rent.

The discharge or redemption of any incumbrance affecting the hereditaments in respect of which such money was paid, or affecting any other hereditaments subject to the same uses or trusts; or

The purchase of other hereditaments to be settled in the same manner as the hereditaments in respect of which the money was paid; or

The payment to any person becoming absolutely entitled

35. *Trustees may apply moneys in certain cases without application to court.*] The application of the money in manner aforesaid may, if the court shall so direct, be made by the trustees (if any) without any application to the

court, or otherwise upon an order of the court upon the petition of the person who would be entitled to the possession or the receipt of the rents and profits of the land if the money had been invested in the purchase of land.

36. *Until money can be applied to be invested, and dividends to be paid to parties entitled.*] Until the money can be applied as aforesaid, the same shall be invested as the court shall direct in some or one of the investments in which cash under the control of the court is for the time being authorised to be invested, and the interest and dividends of such investments shall be paid to the person who would have been entitled to the rents and profits of the land if the money had been invested in the purchase of land.

37. *Court may direct application of money in respect of leases or reversions as may appear just.*] Where any purchase money paid into court under the provisions of this Act shall have been paid in respect of any lease for a life or lives or years, or for a life or lives and years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, it shall be lawful for the court on the petition of any party interested in such money to order that the same shall be laid out, invested, accumulated, and paid in such manner as the said court may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion in respect of which such money shall have been paid, or as near thereto as may be.

38. *Court may exercise powers repeatedly, but may not exercise them if expressly negatived.*] The court shall be at liberty to exercise any of the powers conferred on it by this Act, whether the court shall have already exercised any of the powers conferred by this Act in respect of the same property or not; but no such powers shall be exercised if an express declaration that they shall not be exercised is contained in the settlement: Provided always, that the circumstance of the settlement containing powers to effect similar purposes shall not preclude the court from exercising any of the powers conferred by this Act, if it shall think that the powers contained in the settlement ought to be extended.

39. *Court not to authorise any act which could not have been authorised by the settlor.*] Nothing in this Act shall be construed to empower the court to authorise any lease, sale, or other act beyond the extent to which in the opinion of the court the same might have been authorised in and by the settlement by the settlor or settlors.

40. *Acts of the court in professed pursuance of this Act not to be invalidated.*] After the completion of any lease or sale or other act under the authority of the court, and purporting to be in pursuance of this Act, the same shall not be invalidated on the ground that the court was not hereby empowered to authorise the same, except that no such lease, sale, or other act shall have any effect against such person as herein mentioned whose concurrence or consent ought to be obtained, or who ought to be served with notice, or in respect of whom an order dispensing with such service ought to be obtained in the case where such concurrence or consent has not been obtained and such service has not been made or dispensed with.

41. *Costs.*] It shall be lawful for the court, if it shall think fit, to order that all or any costs or expenses of all or any parties of and incident to any application under this Act shall be a charge on the hereditaments which are the subject of the application, or on any other hereditaments included in the same settlement and subject to the same limitations; and the court may also direct that such costs and expenses shall be raised by sale or mortgage of a sufficient part of such hereditaments, or out of the rents or profits thereof, such costs and expenses to be taxed as the court shall direct.

42. *Rules and orders.*] General rules and orders of court for carrying into effect the purposes of this Act, and for regulating the times and form and mode of procedure, and generally the practice of the court in respect of the matters to which this Act relates, and for regulating the fees and allowances to all officers and solicitors of the court in respect to such matters, shall be made so far as relates to proceedings in England by any three or more of the following persons, of whom the Lord Chancellor shall be one,

namely, the Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron of the Exchequer, and four other judges of the Supreme Court of Judicature to be from time to time appointed for the purpose by the Lord Chancellor in writing under his hand, such appointment to continue for such time as shall be specified therein, and so far as relates to proceedings in Ireland by any three or more of the following persons, of whom the Lord Chancellor of Ireland shall be one, namely, the Lord Chancellor of Ireland, the Lord Chief Justice of Ireland, the Master of the Rolls in Ireland, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, and four other judges of the superior courts in Ireland to be from time to time appointed for the purpose by the Lord Chancellor of Ireland in writing under his hand, such appointment to continue for such time as shall be specified therein, and such rules and orders may from time to time be rescinded or altered by the like authorities respectively, and all such rules and orders shall take effect as general orders of the court.

43. *Rules and orders to be laid before Parliament.*] All general rules and orders made as aforesaid shall be laid before each House of Parliament within forty days after the making thereof if Parliament is then sitting, or if not, within forty days after the commencement of the then next ensuing session, and if an address is presented to her Majesty by either House of Parliament within the next subsequent forty days on which the said House shall have sat, praying that any such rule or order may be annulled, her Majesty may thereupon by Order in Council annul the same, and the rule or order so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

44. *Concurrent jurisdiction of the Court of Chancery of the County Palatine of Lancaster.*] The powers vested in the High Court of Justice by this Act may, so far as relates to estates within the County Palatine of Lancaster, be exercised also by the Court of Chancery of the said County Palatine; and general rules and orders of court for the purposes aforesaid, so far as relates to proceedings in the said court of the said county palatine, shall be made by the Chancellor of the Duchy and County Palatine of Lancaster, with the advice and consent of any one or more of the persons authorised under this Act to concur in the making of general rules and orders relating to proceedings in England, and also with the advice and consent of the Vice-Chancellor of the said County Palatine.

45. *Application for lease or sale in Ireland may be made to Landed Estates Court.*] It shall and may be lawful for any person who under the provisions of this Act may make an application to the Court of Chancery in Ireland for the lease or sale of a settled estate, instead of making such application to the said Court of Chancery in Ireland to apply to the Landed Estates Court, Ireland, for the purpose of having the lease or sale of such settled estate under the said last-mentioned court; and thereupon it shall be lawful for the said Landed Estates Court, Ireland, to exercise all the powers conferred upon the Court of Chancery in Ireland in relation to leases or sales of such nature under the provisions of this Act, save that the judge in the case of a sale shall himself execute the conveyance to the purchaser under such sale, and save that such conveyance shall have the like operation and effect, and confer such indefeasible title to the purchaser as if such sale had been made and such conveyance had been executed upon an application for the sale of an incumbered estate under the Act of the twenty-first and twenty-second years of her Majesty, chapter seventy-two: Provided always, that the Landed Estates Court, Ireland, shall make such investigation of the title and circumstances of the said estates as shall appear expedient, and also in cases of sales as in other cases preliminary to sales conducted in the said Landed Estates Court, Ireland: Provided also, that every decision and order in the course of such proceedings shall be subject to appeal to the Court of Appeal in Chancery as in other cases under the said Act.

46. *Tenants for life, &c. may grant leases for twenty-one years.*] It shall be lawful for any person entitled to the

possession or to the receipt of the rents and profits of any settled estates for an estate for any life, or for a term of years determinable with any life or lives, or for any greater estate, either in his own right or in right of his wife, unless the settlement shall contain an express declaration that it shall not be lawful for such person to make such demise; and also for any person entitled to the possession or to the receipt of the rents and profits of any unsettled estates as tenant by the courtesy, or in dower, or in right of a wife who is seised in fee, without any application to the court, to demise the same or any part thereof, except the principal mansion house and the demesnes thereof, and other lands usually occupied therewith, from time to time, for any term not exceeding twenty-one years so far as relates to estates in England, and thirty-five years so far as relates to estates in Ireland, to take effect in possession at or within one year next after the making thereof; provided that every such demise be made by deed, and the best rent that can reasonably be obtained be thereby reserved, without any fine or other benefit in the nature of a fine, which rent shall be incident to the immediate reversion; and provided that such demise be not made without impeachment of waste, and do contain a covenant for payment of the rent, and such other usual and proper covenants as the lessor shall think fit, and also a condition of re-entry on nonpayment of the rent for a period of twenty-eight days after it becomes due, or for some less period to be specified in that behalf; and provided a counterpart of every deed of lease be executed by the lessee.

47. *Against whom such leases shall be valid.*] Every demise authorised by the last preceding section shall be valid against the person granting the same, and all other persons entitled to estates subsequent to the estate of such person under or by virtue of the same settlement if the estates be settled, and in the case of unsettled estates against the wife of any husband granting such demise of estates to which he is entitled in right of such wife, and against all persons claiming through or under the wife or husband (as the case may be) of the person granting the same.

48. *Evidence of execution of counterpart lease by lessee.*] The execution of any lease by the lessor or lessors shall be deemed sufficient evidence that a counterpart of such lease has been duly executed by the lessee as required by this Act.

49. *Provision as to infants, lunatics, &c.*] All powers given by this Act, and all applications to the court under this Act, and consents to and notifications respecting such applications, may be executed, made, or given by, and all notices under this Act may be given to guardians on behalf of infants, and by or to committees on behalf of lunatics, and by or to trustees or assignees of the property of bankrupts, debtors in liquidation, or insolvents: Provided nevertheless, that in the cases of infant or lunatic tenants-in-tail no application to the court or consent to or notification respecting any application may be made or given by any guardian or committee without the special direction of the court.

50. *A married woman applying to the court, or consenting to be examined apart from her husband.*] Where a married woman shall apply to the court, or consent to an application to the court, under this Act, she shall first be examined apart from her husband touching her knowledge of the nature and effect of the application, and it shall be ascertained that she freely desires to make or consent to such application; and such examination shall be made whether the hereditaments which are the subject of the application shall be settled in trust for the separate use of such married woman independently of her husband or not; and no clause or provision in any settlement restraining anticipation shall prevent the court from exercising, if it shall think fit, any of the powers given by this Act, and no such exercise shall occasion any forfeiture, anything in the settlement contained to the contrary notwithstanding.

51. *Examination of married woman how to be made when residing within the jurisdiction of the court, and how when residing without such jurisdiction.*] The examination of such married woman when resident within the jurisdiction of the court to which such application is made, shall be made either by the court or by some solicitor duly appointed by the

court for that purpose, who shall certify under his hand that he has examined her apart from her husband and is satisfied that she is aware of the nature and effect of the intended application, and that she freely desires to make or consent to the same. And when the married woman is resident out of the jurisdiction of the court to which such application is made, her examination may be made by any person appointed for that purpose by the court, whether he is or is not a solicitor of the court, and such person shall certify under his hand to the effect herein-before provided in respect of the examination of a married woman resident within the jurisdiction. And the appointment of any such person not being a solicitor shall afford conclusive evidence that the married woman was at the time of such examination resident out of the jurisdiction of the court.

52. *As to application by or consent of married women, whether of full age or under age.* Subject to such examination as aforesaid, married women may make or consent to any applications, whether they be of full age or infants.

53. *No obligation to make or consent to application, &c.* Nothing in this Act shall be construed to create any obligation on any person to make or consent to any application to the court or to exercise any power.

54. *Tenants for life, &c. to be deemed entitled notwithstanding incumbrances.* For the purposes of this Act, a person shall be deemed to be entitled to the possession or to the receipt of the rents and profits of estates, although his estate may be charged or incumbered either by himself or by the settlor, or otherwise howsoever, to any extent; but the estates or interests of the parties entitled to any such charge or incumbrance shall not be affected by the acts of the person entitled to the possession or to the receipt of the rents and profits as aforesaid unless they shall concur therein.

55. *Exception as to entails created by Act of Parliament.* Provided always, that nothing in this Act shall authorise any sale or lease beyond the term of twenty-one years of any settled estates in respect of which, under the Act of the thirty-fourth and thirty-fifth years of King Henry the Eighth, chapter twenty, "to imbar feigned recovery of lands wherein the King's Majesty is in reversion," or under any other Act of Parliament, the tenants-in-tail are restrained from barring or defeating their estates tail, or where the reversion is vested in the Crown.

56. *Saving rights of lords of manors.* Nothing in this Act shall authorise the granting of a lease of any copyhold or customary hereditaments not warranted by the custom of the manor without the consent of the lord, nor otherwise prejudice or affect the rights of any lord of a manor.

57. *To what settlements this Act to extend.* This Act shall, except as herein-after provided, apply to all matters existing at the time of the passing of this Act, whether proceedings are actually pending or not, and any proceedings in any such matter may be continued or taken under this Act as if the matter originated under this Act, or may be continued or taken under the Acts hereby repealed, or partly under this Act and partly under the said repealed Acts as occasion may require: Provided always, that the provisions in this Act contained respecting demises to be made without application to the court shall extend only to settlements made after the first day of November one thousand eight hundred and fifty-six.

58. *Repeal of Acts specified in schedule.* The Acts specified in the schedule to this Act are hereby repealed: Provided always, that this repeal shall not affect anything done or any proceeding taken under any enactment hereby repealed.

59. *Saving.* Nothing in this Act shall interfere with the exercise of any powers to authorise or grant leases conferred by any Act of Parliament not expressly repealed by this Act.

60. *Extent of Act.* This Act shall not extend to Scotland.

61. *Commencement of Act.* This Act shall commence on the first day of November one thousand eight hundred and seventy-seven.

SCHEDULE.

Session and Chapter.	Title or Short Title.
19 & 20 Vict. c. 120.	An Act to facilitate leases and sales of Settled Estates.
21 & 22 Vict. c. 77.	An Act to amend and extend the Settled Estates Act of 1856.
27 & 28 Vict. c. 45.	An Act to further amend the Settled Estates Act of 1856.
37 & 38 Vict. c. 33.	The Leases and Sales of Settled Estates Amendment Act, 1874.
39 & 40 Vict. c. 30.	The Settled Estates Act, 1876.

CAP. XIX.

An Act to grant Money for the purpose of Loans by the Public Works Loan Commissioners, and authorise those Commissioners to compound a loan and interest, and amend the Public Works Loans Act, 1875.

[12th July, 1877.]

CAP. XX.

An Act to fix the Salaries of the Members of the Royal Irish Constabulary, and to amend the eleventh section of the Constabulary (Ireland) Amendment Act, 1870.

[12th July, 1877.]

CAP. XXI.

An Act to amend the Law relating to Prisons in England.

[12th July, 1877.]

Be it enacted, &c.:

Preliminary.

1. *Short title of Act.* This Act may be cited for all purposes as the Prison Act, 1877.

2. *Commencement of Act.* This Act shall, except as is herein-after otherwise provided, and except in so far as relates to the making of rules by the Secretary of State, in pursuance of any power transferred to or vested in the Secretary of State by this Act which rules may be made at any time after the passing of this Act, come into operation on the first day of April one thousand eight hundred and seventy-eight, which day is herein-after referred to as the commencement of this Act.

3. *Application of Act.*—28 & 29 Vict. c. 126.] This Act shall not extend to Scotland or Ireland, but shall apply to all prisons belonging to any prison authority as defined by the Prison Act, 1865.

PART I.

TRANSFER AND ADMINISTRATION OF PRISONS.

Transfer of Prisons.

4. *Maintenance of prisons and prisoners out of public funds.* On and after the commencement of this Act all expenses incurred in respect of the maintenance of prisons to which this Act applies, and of the prisoners therein, shall be defrayed out of moneys provided by Parliament.

5. *Prisons to vest in Secretary of State.* Subject as in this Act mentioned—

- (1) The prisons to which this Act applies, and the furniture and effects belonging thereto; also,
 - (2) The appointment of all officers, and the control and safe custody of the prisoners in the prisons to which this Act applies; also all powers and jurisdiction at common law or by Act of Parliament or by charter vested in or exercisable by prison authorities or the justices in sessions assembled, in relation to prisons or prisoners within their jurisdiction,
- shall, on and after the commencement of this Act, be transferred to, vested in, and exercised by one of her Majesty's Principal Secretaries of State, in this Act referred to as the Secretary of State.

ADMINISTRATION OF PRISONS.

Prison Commissioners.

6. *Appointment of Prison Commissioners.* For the purpose of aiding the Secretary of State in carrying into effect the provisions of this Act relating to prisons, her Majesty

may, on the recommendation of the Secretary of State, at any time and from time to time after the passing of this Act by warrant under her sign manual appoint any number of persons to be commissioners during her Majesty's pleasure, so that the whole number of commissioners appointed do not at any one time exceed five, and may, on the recommendation of the Secretary of State, on the occasion of any vacancy in the office of any commissioner by death, resignation, or otherwise, by the like warrant, appoint some other fit person to fill such vacancy. The commissioners so appointed shall be a body corporate with a common seal, with power to hold land without licence in mortmain so far as may be necessary for the purposes of this Act, and shall be styled "The Prison Commissioners."

The Secretary of State may from time to time appoint one of the commissioners to be chairman.

Any act or thing required or authorised to be done by the Prison Commissioners may be done by any one or more of them as the Secretary of State may by general or special rule direct.

7. *Appointment of inspectors, officers, and servants.* [The Prison Commissioners shall be assisted in the performance of their duties by such number of inspectors, storekeepers, accountants, and other officers and servants as may, with the sanction of the Treasury as to number, be determined by the Secretary of State. The inspectors shall be appointed by the Secretary of State, the other officers and servants of the Prison Commissioners by the Prison Commissioners themselves, subject to the approval of the Secretary of State.

8. *Salaries.* [There may be paid, out of moneys provided by Parliament, to all or any one or more of the Prison Commissioners such salary for their or his services as the Secretary of State may, with the consent of the Treasury, determine.

There shall be paid, out of moneys provided by Parliament, to the inspectors and other officers and servants of the Prison Commissioners such salaries as the Secretary of State may, with the consent of the Treasury, determine.

9. *Duties of Prison Commissioners.*—28 & 29 Vict. c. 126.] The general superintendence of prisons under this Act shall be vested in the Prison Commissioners, subject to the control of the Secretary of State.

Subject as in this Act mentioned, the Prison Commissioners shall appoint all such officers of a prison as are by the Prison Act, 1865, declared to be subordinate officers of a prison, such appointments to be for general prison service. The Prison Commissioners shall also make contracts, and do all other acts necessary for the maintenance of the prisons and prisoners within their jurisdiction.

Subject to the control of the Secretary of State, the Prison Commissioners, by themselves or their officers, shall visit and inspect the prisons within their jurisdiction, and shall examine into the state of the buildings, so as to form a judgment as to the repairs, additions, or alterations which may appear necessary, regard being had to the requisitions of the Prison Act, 1865, as amended by this Act, with respect to the separation of prisoners and enforcement of hard labour, and shall further examine into the conduct of the respective officers and the treatment and conduct of the prisoners, the means of setting them to work, the amount of their earnings, and the expenses attending the prison, and shall inquire into all abuses within the prison, and regulate all matters required to be regulated by them.

Subject to the control of the Secretary of State, the Prison Commissioners, or any one or more of them, may, in addition to any powers otherwise conferred on them by this Act, exercise in relation to any prison under this Act, and the prisoners therein, all powers and jurisdiction by any Act of Parliament or at common law, or by charter, exercisable by visiting justices, or a visiting justice, of a prison. And any reports, acts, or things required to be made or done to or by or in relation to the visiting justices, or a visiting justice, of a prison, at common law or by any Act of Parliament, or by charter, shall, except in so far as is otherwise provided by this Act, be made or done to or by or in relation to the Prison Commissioners, or any one or more of them, or to or by or in relation to such persons or person as the Secretary of State may from time to time appoint.

The Prison Commissioners shall, in the exercise of their powers and jurisdiction under this Act, conform to any

directions which may from time to time be given to them by the Secretary of State.

10. *Reports by Prison Commissioners.* [The Prison Commissioners shall, at such time or times as the Secretary of State may direct, make a report or reports to the Secretary of State of the condition of the prisons and prisoners within their jurisdiction, and an annual report to be made by them with respect to every prison within their jurisdiction shall be laid before both Houses of Parliament.

11. *Report to contain information as to manufacturing processes in prison.* [Whereas it is expedient that the expense of maintaining in prison prisoners who have been convicted of crime should in part be defrayed by their labour during the period of their imprisonment, and that, with a view to defraying such expenses, and also of teaching prisoners modes of gaining honest livelihoods, means should be taken in promoting in prison the exercise of and instruction in useful trades and manufactures, so far as may be consistent with a due regard on the one hand to the maintenance of the penal character of prison discipline, and on the other to the avoidance of undue pressure on or competition with any particular trade or industry: Be it enacted, that the annual report of the Prison Commissioners required by this Act to be laid before both Houses of Parliament shall state the various manufacturing processes carried on in each of the prisons within their jurisdiction, and such statement shall contain such particulars as to the kind and quantities of, and as to the commercial value of the labour on the manufactures, as to the number of prisoners employed, and otherwise, as may, in the opinion of the Secretary of State, be best calculated to afford information to Parliament.

12. *Return of punishments and offences of prisoners to be made yearly.* [The Prison Commissioners shall make a yearly return to Parliament of all punishments of any kind whatsoever which may have been inflicted within each prison, and the offences for which such punishments were inflicted.

Visiting Committee of Justices.

13. *Repeal of 28 & 29 Vict. c. 126, ss. 53, 54.—Appointment of visiting committee of prisons.*—30 & 31 Vict. c. xxxiii.] On and after the commencement of this Act there shall be repealed the fifty-third and fifty-fourth sections of the Prison Act, 1865, relating to the appointment and duties of visiting justices.

A visiting committee shall be annually appointed for every prison under this Act, consisting of such number of persons being justices of the peace to be appointed at such time and by such court of quarter sessions or such bench or benches of magistrates as the Secretary of State, having regard to the locality of the prison, to the justices heretofore having jurisdiction over such prison, and to the class of prisoners to be confined in such prison, may from time to time by any general or special rule prescribe. In the following manner: namely,

The justices of any county, riding, or liberty of a county having a separate court of quarter sessions shall appoint members of a visiting committee when assembled at such general or quarter sessions as may be prescribed by the Secretary of State.

The justices of a borough shall hold special sessions, at such time as may be prescribed by the Secretary of State, for the purpose of appointing any members of a visiting committee they may be required to appoint.

Provided that, in the application of this Act to the Worcester Prison as constituted by the Worcester Prison Act, 1867, so long as the said prison is continued as a prison for the purposes of this Act, the appointment of such number of justices of the city of Worcester as the Secretary of State in pursuance of this section may prescribe to be appointed to serve on the visiting committee in respect of the said prison, shall be vested in the corporation acting by the council of the said city.

Nothing in this Act, or in any rules to be made under this Act, shall restrict any member of the visiting committee for any prison from visiting the prison at any time, and any such member shall at all times have free access to every part of the prison, and to every prisoner therein.

14. *Duties of visiting committee.*—28 & 29 Vict. c. 126.] The Secretary of State shall, on or before the commencement of this Act, make and publish, and may hereafter from

time to time repeal, alter, or add to rules with respect to the duties of a visiting committee, and such committee shall conform to any rules so made and for the time being in force, but subject as aforesaid the members of such committee shall from time to time and at frequent intervals visit the prison for which they are appointed, and hear any complaints which may be made to them by the prisoners, and if asked, privately. They shall report on any abuses within the prison, and also on any repairs which may be urgently required in the prison, and shall further take cognizance of any matters of pressing necessity and within the powers of their commission as justices, and do such acts and perform such duties in relation to a prison as they may be required to do or perform by the Secretary of State.

The visiting committee shall be deemed to be visiting justices for all the purposes of the regulations relating to the punishment of prisoners numbered 58 and 59 in the first schedule annexed to the Prison Act, 1865, or either of such regulations, and any member of a visiting committee may exercise any power, or do any act, or receive any report which any one justice may exercise, do, or receive under the said regulations numbered 58 and 59, or either of them.

Provided that an offender shall not be punished under the said sections 58 and 59, or either of them, by personal correction except in pursuance of the order of two justices of the peace after such inquiry upon oath and determination concerning the matter reported to them as is mentioned in the said regulation numbered 58.

The visiting committee shall report to the Secretary of State any matters with respect to which they may consider it expedient, and shall report to the Secretary of State, as soon as may be and in such manner as he may direct, any matter respecting which they may be required by him to report.

15. *Repeal of 28 & 29 Vict. c. 126, s. 55.—Visits to prison by any justice.*] Section fifty-five of "The Prisons Act, 1865," is hereby repealed, and instead thereof the following enactment shall take effect, viz.:

Any justice of the peace, having jurisdiction in the place in which a prison is situate, or having jurisdiction in the place where the offence in respect of which any prisoner may be confined in prison was committed, may, when he thinks fit, enter into and examine the condition of such prison, and of the prisoners therein, and he may enter any observations he may think fit to make in reference to the condition of the prison or abuses therein in the visitors book to be kept by the gaoler; and it shall be the duty of the gaoler to draw the attention of the visiting committee, at the next visit to the prison, to any entries made in the said book; but he shall not be entitled, in pursuance of this section, to visit any prisoner under sentence of death, or to communicate with any prisoner, except in reference to the treatment in prison of such prisoner, or to some complaint that such prisoner may make as to such treatment.

PART II.

SUPPLEMENTAL PROVISIONS.

As to Obligation to maintain Prisoners.

16. *Termination of local obligation to maintain prisoners.*] On and after the commencement of this Act the obligation of any county, riding, division, hundred, liberty, franchise, borough, town, or other place having a separate prison jurisdiction, to maintain a prison or to provide prison accommodation for its prisoners shall cease.

17. *Compensation to be made in place of prison accommodation.*] Where at the time of the passing of this Act any prison authority has no prison of its own, or has not a prison or prisons of its own adequate to the accommodation of the prisoners belonging to such authority, it shall pay into the receipt of the Exchequer one hundred and twenty pounds in respect of each prisoner belonging to such prison authority for whom cell accommodation has not at such time as last aforesaid been provided by such authority in a prison of its own.

Any sum payable by a prison authority in pursuance of this section shall be deemed to be a debt due from the prison authority to the Crown, and may be recovered accordingly.

Where one prison authority has contributed a sum of money towards the construction by some other prison authority of cell accommodation for the use of the prisoners

of the contributing authority, and such cell accommodation has been constructed accordingly, then in assessing the sum payable into the Exchequer by the contributing authority under this section the contribution so made shall be taken into consideration, and a proportionate deduction be made accordingly.

For the purposes of this section a prison authority may borrow, and the Public Works Loan Commissioners may advance by way of loan, to bear interest at such rate per cent. as the Treasury may determine to be sufficient to prevent any loss to the Exchequer, such sum as may be required, so that the whole amount so borrowed be discharged within a period not exceeding thirty-five years.

18. *Compensation to be made to prison authority in respect of accommodation provided for prisoners of some other authority.*] Where before the first day of January one thousand eight hundred and seventy-seven any prison authority, having more than sufficient cell accommodation for the number of prisoners belonging to such prison authority, and which prison authority is in this section called the receiving authority, has contracted with any other prison authority, in this section called the sending authority, that the receiving authority is to receive into its prisons any prisoners belonging to such sending authority, and such receiving authority has in the performance of such contract provided cell accommodation for the prisoners of the sending authority, there shall be paid to the receiving authority, out of moneys provided by Parliament, any loss it may have so sustained in relation to such contract for cell accommodation by reason of the passing of this Act, so that the expense of providing cell accommodation for any one prisoner shall not in any case be held to have exceeded the sum of one hundred and twenty pounds.

For the purposes of this section any public department of State which has made contracts with respect to prisoners shall be included under the term "prison authority."

Where it appears that any contract under this section is intended to be renewed at the expiration of its subsisting term, the intention of renewal shall be taken into consideration in estimating the loss sustained by the receiving authority.

Where a prison authority has provided a prison or prisons of its own more than adequate for the accommodation of its prisoners, it shall be entitled to receive, out of moneys to be provided by Parliament, compensation to the extent of one hundred and twenty pounds in respect of each cell provided in such prison or prisons over and above the number of cells required for the average maximum number of prisoners maintained at the expense of such authority in its own prison or prisons during the five years immediately preceding the first day of January one thousand eight hundred and seventy-seven: Provided always, that in case the Prison Commissioners shall report to the Secretary of State that the prison accommodation is in excess of the probable requirements of such prison authority for its own prisoners, or that the buildings are dilapidated or unsuitable, it shall be lawful for the Secretary of State to decline to recommend to the Treasury to make such compensation, in whole or in part, as the circumstances of the case may demand.

Provided also, that no compensation shall be payable under such provision as last aforesaid in respect of any prison discontinued within two years after the commencement of this Act.

A prison authority shall not be entitled to receive under this section more than one hundred and twenty pounds in the whole in respect of the same cell.

"Probable requirements" means the probable future requirements of a prison authority calculated as from the passing of this Act.

The average maximum number of prisoners of a prison authority maintained in any prison in any period of five years shall be calculated by finding the greatest number of such prisoners confined therein on the day on which such prison contained most of such prisoners as aforesaid in each of the said five years, and dividing the aggregate so found by five, excluding fractions.

19. *Allowance to be made to prison authority in respect of uncompleted prison.*] Where at the time of the passing of this Act a prison authority has contracted to construct a building to be used as a prison, but such building has not at the commencement of this Act been completed or become a prison within the meaning of this Act, the Secretary of State may, if he thinks fit so to do, allow the prison au-

thority time to complete such building as a prison, and when so completed it shall pass over to and vest in the Secretary of State as a prison completed at the commencement of this Act, but if the Secretary of State does not think fit to allow time for the completion of such prison as aforesaid, he shall, nevertheless, in assessing the amount of compensation payable in respect of cell accommodation, make, with the consent of the Treasury, from the compensation payable as aforesaid, such deduction as, having regard to all the circumstances of the case, may be agreed upon, or as may, in the event of disagreement between the Secretary of State and the prison authority, be determined by arbitration.

As to Contracts and Debts.

20. *General saving of rights of creditors.*] Nothing in this Act contained shall (save as in this Act mentioned with respect to contracts and obligations between prison authorities) affect any right or claim of any creditor of a prison authority under any contract legally made or in respect of any dealing legally had before the commencement of this Act, and between such creditor and the prison authority of which he is a creditor such contract may be enforced in the same manner in all respects as if this Act had not passed.

21. *Determination of contracts between prison authorities.*] Any contract made or obligation undertaken by any prison authority with any other prison authority for or in relation to the maintenance of any prison or prisoners, or any matter relating to such maintenance, shall be deemed to be determined on and after the commencement of this Act, without prejudice nevertheless to any moneys which may have accrued due under or in respect of such contract or obligation at or before the commencement of this Act.

22. *Existing debts to be defrayed by prison authorities.*—28 & 29 Vict. c. 126, s. 23.] There shall be defrayed by a prison authority in the same manner as if this Act had not passed,—

- (1.) All debts due and sums of money payable in respect of contracts performed, dealings completed, or any matter or thing done before the commencement of this Act; and,
- (2.) All mortgage debts (together with interest from time to time accruing thereon) contracted in respect of any prison.

A mortgage debt in this section shall include any moneys which at the commencement of this Act have been borrowed or contracted to be borrowed by a prison authority on the security of any prison, or on the security of any rate applicable to the payment of the expenses of a prison, also any debt or liability contracted before the commencement of this Act, for the payment of which debt or liability money is authorised to be borrowed in pursuance of section twenty-three of the Prison Act, 1865.

23. *Provision as to continuing contracts.*] Where any contract or dealing, in which any authority is concerned, is a continuous contract or dealing, to be performed partly before and partly after the commencement of this Act, and is not a contract or dealing which is declared by this Act to have determined, and is not a mortgage debt as defined by the previous section, such contract or dealing shall be deemed to be divisible, and as to so much thereof as is performable before the commencement of this Act, shall create a debt or obligation to be discharged or performed by the prison authority concerned therein, and as to so much thereof as is performable after the commencement of this Act, shall create a debt or obligation to be discharged or performed out of moneys provided by Parliament.

As to Classification and Commitment of Prisoners.

24. *Confinement of prisoners before and during trial.*] The Secretary of State may from time to time by any general or special rule appoint in any county a convenient prison or prisons in which prisoners are to be confined before and during trial, or at either of such times, and any prisoner who might, if this Act had not passed, have been lawfully confined in a prison situate within the area of such county may be lawfully confined in any prison or prisons so appointed: Moreover, the Secretary of State may by any general or special rule from time to time appoint any convenient prison or prisons in any adjoining county to which prisoners may be committed for trial, safe custody, or otherwise, and any prisoners may be committed to such prison accordingly.

25. *Confinement of prisoners after conviction.*] The Secretary of State may from time to time by any general or special rule appropriate either wholly or partially particular prisons within his jurisdiction to particular classes of convicted criminal prisoners, and may remove any convicted criminal prisoner from any one prison to any other prison within his jurisdiction for the purpose of his undergoing the whole or any portion of his punishment in such prison; provided that a prisoner who is confined in a prison situate beyond the limits of the county, borough, or place in which he was convicted of his offence shall, at the time of his discharge, be taken back at the public expense to the county, borough, or place in which he was so convicted.

26. *Confinement of debtors and prisoners who are not criminal prisoners.*] The Secretary of State may from time to time by any general or special rule appoint in any county a prison or prisons in which debtors and prisoners who are not criminal prisoners are to be confined during the period of their imprisonment, and it shall be lawful to confine in any prison so appointed during the period of his imprisonment any debtor or prisoner who is not a criminal prisoner who might, if this Act had not passed, have been confined during such period in any prison situate within the area of the county.

27. *Saving as to commitment of prisoners.*] Subject to this Act, and any rules made in pursuance thereof, prisoners may be committed to the same prison to which they might have been committed if this Act had not passed.

The committal or imprisonment of a prisoner to or in a prison, if otherwise valid, shall not be illegal by reason only that such prisoner ought, according to the law for the time being in force, to have been committed to or imprisoned in some other prison, but any such prisoner as is mentioned in this section shall, on application made on his behalf in a summary manner to any judge of the High Court of Justice, be entitled to be removed at the public expense to such other prison as aforesaid.

28. *Legal custody of prisoner.*] A prisoner shall be deemed to be in legal custody whenever he is being taken to or from, or whenever he is confined in, any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the walls of any such prison in the custody or under the control of a prison officer belonging to such prison, and any constable or other officer acting under the order of any justice of the peace or magistrate having power to commit a prisoner to prison may convey a prisoner to or from any prison to or from which he may be legally committed or removed, notwithstanding such prison may be beyond the constableness or other jurisdiction of such constable or officer, in the same manner and with the same incidents as if such prison were within such constableness or other jurisdiction.

29. *Allowance to discharged prisoners.*] Where any prisoner is discharged from prison, the Prison Commissioners may, on the recommendation of the visiting committee or otherwise, order a sum of money, not exceeding two pounds, to be paid by the gaoler to the prisoner himself or to the treasurer of a certified prisoners aid society or refuge, on the gaoler receiving from such society an undertaking in writing, signed by the secretary thereof, to apply the same for the benefit of the prisoner.

As to Jurisdiction.

30. *Jurisdiction of sheriff, coroner, and other officers.*] The Secretary of State may from time to time, if he think it expedient so to do, for the purpose of any enactment, law, or custom, descriptive of or dependent on the circumstance of a prison being the prison of any county, riding, county of a city, county of a town, liberty, borough, or other place having a separate prison jurisdiction, by any general or special rule direct that for such purpose as aforesaid any prison locally situate within the county in which such riding, county of a city, county of a town, liberty, borough, or place is situate, or any prison which he may in pursuance of this Act have appointed as a prison to which prisoners may be committed, is to be considered to be the prison of such county, riding, county of a city, county of a town, liberty, borough, or other place, but subject to any such rule as in this section mentioned, and until the same be made the transfer under this Act of the prisons to which this Act applies, and of the powers and jurisdiction of

prison authorities, and of justices in sessions assembled, and of visiting justices, shall not affect the jurisdiction of any sheriff or coroner, or, save as provided by this Act, of any justice of the peace or other officer having at the commencement of this Act jurisdiction in, over, or in respect of such prison.

31. *Sheriff not liable for escape.*] On and after the commencement of this Act the sheriff of any sheriffdom shall not be liable for the escape of any prisoner.

32. *Prisoners under sentence of death.*] Nothing in this Act contained shall affect the jurisdiction or responsibility of the sheriff in respect of prisoners under sentence of death, and confined in any prison within his jurisdiction, or his jurisdiction or control over the prison where such prisoners are confined, and the officers thereof, so far as may be necessary for the purpose of carrying into effect the sentence of death, or for any purpose relating thereto; and in any prison in which sentence of death is required or authorised to be carried into effect on any prisoner, the sheriff of the county in which the prison is situate shall, for the purposes of carrying that sentence into execution, be deemed to have the same jurisdiction with respect to such prison as he would by law have had with respect to the common gaol of his county if this Act had not passed, and such prison were the common gaol of his county.

As to Discontinuance of Prisons.

33. *Power of Secretary of State to discontinue prisons.*] The Secretary of State may by order from time to time discontinue any prison or prisons which are vested in him by this Act, provided that in every county there remain at least one prison, unless the Secretary of State otherwise order for special reasons to be stated in his order, and any order made by the Secretary of State in pursuance of this section shall be laid before both Houses of Parliament forthwith if Parliament be sitting at the time of the order being made, or, if not then sitting, within one month after the commencement of the then next session of Parliament.

34. *Effect of discontinuance of prison.*] When a prison to which this Act applies is discontinued, the Secretary of State shall serve notice on the prison authority to which such prison originally belonged that he will, at any time within a period not less than six months, to be prescribed by the Secretary of State, from the date of the service of such notice, cause such prison, but without any furniture or effects belonging thereto, to be reconveyed to such authority on payment by such authority into the Exchequer, for the public use, of one hundred and twenty pounds in respect of each prisoner belonging to such prison authority for whom cell accommodation was provided in such discontinued prison at the time of the passing of this Act, and on repayment by such authority of any compensation it may have received out of moneys provided by Parliament in respect of its having provided a prison of its own more than adequate for the accommodation of the prisoners belonging to such authority.

A prison authority to whom a prison is reconveyed in pursuance of this section may sell or otherwise dispose of the same in such manner as they think fit.

If a prison authority declines to accept the offer of the reconveyance of the prison so made by the Secretary of State, or fail to pay or to secure to the satisfaction of the Secretary of State the payment of such sum into the Exchequer as is required to be paid by them in pursuance of this section, the prison shall be sold by the Secretary of State; and the Secretary of State, after paying the expenses of such sale, and paying into the Exchequer the amount so required to be paid as aforesaid, shall render the overplus (if any) to the prison authority to which the prison originally belonged.

Any sum payable by a prison authority in pursuance of this section shall be deemed to be a debt due from the prison authority to the Crown, and may be recovered accordingly.

For the purposes of this section a prison authority may borrow, and the Public Works Loan Commissioners may advance by way of loan, to bear interest at such rate per cent. as the Treasury may determine to be sufficient to prevent any loss to the Exchequer, such sum as may be required, so that the whole amount so borrowed be discharged within a period not exceeding thirty-five years.

For the purposes of this section the cell accommodation provided by a prison authority in all its prisons may be cal-

culated, and if it appears from such calculation that sufficient accommodation has been provided by such authority in any one prison or prisons belonging to such authority no sum shall be payable under this section by such prison authority in respect of the discontinued prison, and a proportionate deduction shall be made in the sum payable under this section by a prison authority in the event of any partial accommodation in excess of the necessary accommodation having been provided in such other prisons belonging to that authority.

Status of Prison Officers.

35. *Position and duties of existing officers of prisons.*—34 & 35 Vict. c. 36.] The officers attached to prisons at the time of the commencement of this Act (in this Act referred to as existing officers of a prison) shall hold their offices by the same tenure, and upon like terms and conditions, as if this Act had not passed, and shall receive salaries of not less amount than those which they have hitherto received.

Such existing officers as aforesaid may be distributed amongst the several prisons to which this Act applies in such manner as may be directed by the Secretary of State, and they shall perform such duties as they may be required to perform by the said Secretary of State, so that such duties are the same or analogous to those they performed previously to the commencement of this Act, and, subject as aforesaid, they shall perform the same duties as nearly as may be as they are performing at the time of the commencement of this Act.

An existing officer of a prison who is at the commencement of this Act in the receipt of military or naval half-pay, or who has, at or before such commencement as aforesaid, commuted his pension in pursuance of the Pensions Commutation Act, 1871, or is in receipt of any pension payable out of public moneys, shall not be subject to any deduction from his salary, or to be deprived of any portion of his half-pay, or of his pension, by reason of his salary being thenceforward paid out of public moneys, or of his employment becoming a public employment, or an employment of profit under her Majesty, within the meaning of the Acts of Parliament providing for such deduction of salary or deprivation of half-pay, nor be disqualified from receiving such half-pay or pension by reason of his becoming by virtue of this Act a civil servant of her Majesty.

36. *Superannuation of officers and abolition of office.*—22 Vict. c. 26.] If at any time after the commencement of this Act it appears to the Treasury that any existing officer of a prison has been in the prison service for not less than twenty years, and is not less than sixty years of age, or that any existing officer of a prison has become incapable, from confirmed sickness, age, or infirmity, or injury received in actual execution of his duty, of executing his office in person, and such sickness, age, infirmity, or injury is certified by a medical certificate, and there shall be a report of the Prison Commissioners testifying to his good conduct during his period of service under them, and recommending a grant to be made to him, the Treasury may grant to such officer, having regard to his length of prison service, an annuity, by way of superannuation allowance, not exceeding two thirds of his salary and emoluments, or a gratuity not exceeding the amount of his salary and emoluments for one year.

If any office in any prison to which this Act applies is abolished or any officer is retired or removed, any existing officer of a prison who by reason of such abolition, retirement, or removal is deprived of any salary or emoluments, shall be dealt with in manner provided by the Superannuation Act, 1859, with respect to a person retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the department to which he belongs.

"Prison service," for the purposes of this section, means, as respects the period before the commencement of this Act, service in a particular prison, or in the prisons of the same authority, transferred to the Secretary of State, and as respects the period after the commencement of this Act, service in any such prison or in any other prison transferred to the Secretary of State under this Act.

Any annuity by way of superannuation allowance or gratuity granted under this section shall be apportioned between the period of service before the commencement of this Act and the period of service after the commencement of this Act; and so much of such annuity or allowance as is payable in respect of service before the commencement of this Act, regard being had to the amount of salary then paid, but with-

out taking into account any number of years added to the officer's service on account of abolition of office or for facilitating the organization of the department, shall be paid by the prison authority of the prison in which the officer to whom such annuity or allowance is granted was serving at the date of the commencement of this Act out of rates which at or immediately before the commencement of this Act were applicable to the payment of the salary of such officer, and the residue shall be paid out of moneys provided by Parliament.

As to Miscellaneous Matters.

37. *Relaxation of the law relating to hard labour.*—23 & 29 Vict. c. 126.] Whereas in pursuance of the 34th regulation of the first schedule annexed to the Prison Act, 1865, a male person of sixteen years and upwards sentenced to hard labour is directed to be kept to hard labour of the first class during the whole of his sentence where it does not exceed three months, and during the first three months of his sentence where it exceeds three months; and whereas it is expedient to amend the said regulation: Be it enacted, that the Secretary of State may in either of such cases substitute hard labour of the second class for hard labour of the first class during the last two of such three months as aforesaid, or any part of such last two months, and he may make such substitution either by a general or special regulation, and either conditionally or unconditionally, and may from time to time vary any regulation so made. In making any regulations in pursuance of this section, the Secretary of State shall have regard to the previous convictions, the industry, and the conduct of the prisoners.

38. *Rules as to treatment of prisoners confined for nonpayment of sums in the nature of debts.*—28 & 29 Vict. c. 126.] The Secretary of State may from time to time make, and when made repeal, alter, or add to rules with respect to the classification and treatment of prisoners imprisoned for non-compliance with the order of a justice or justices to pay a sum of money, or imprisoned in respect of the default of a distress to satisfy a sum of money adjudged to be paid by order of a justice or justices, so that such rules are in mitigation and not in increase of the effect of such imprisonment, as regulated by the Prison Act, 1865.

39. *Special rules as to treatment of unconvicted prisoners and certain other prisoners.*] Whereas it is expedient that a clear difference shall be made between the treatment of persons unconvicted of crime and in law presumably innocent during the period of their detention in prison for safe custody only, and the treatment of prisoners who have been convicted of crime during the period of their detention in prison for the purpose of punishment, and that in order to secure the observance of such difference there shall be in force in every place in which prisoners are confined for safe custody only, special rules, regulating their confinement in such manner as to make it as little as possible oppressive, due regard only being had to their safe custody, to the necessity of preserving order and good government in the place in which they are confined, and to the physical and moral well-being of the prisoners themselves: Therefore be it enacted, that the Secretary of State shall make, and when made may from time to time repeal, alter, or add to, special rules—

- (1.) With respect to the retention by a prisoner of the possession of any books, papers, or documents in his possession at the time of his arrest, and which may not be required for evidence against him, and are not reasonably suspected of forming part of property improperly acquired by him, or are not for some special reason required to be taken from him for the purposes of justice;
- (2.) With respect to communications between a prisoner, his solicitor, and friends, so as to secure to such prisoner as unrestricted and private communication between him, his solicitor, and his friends as may be possible, having regard only to the necessity of preventing any tampering with evidence, and any plans for escape, or other like considerations; and
- (3.) With respect to arrangements whereby prisoners may provide themselves with articles of diet, or may be furnished with a sufficient quantity of wholesome food, and may be protected from being called upon to perform any unaccustomed tasks or offices; also any matter which the Secretary of State may think conducive to the amelioration of the condition of a prisoner who has not been convicted of crime, regard

being had to such matters as are in this section directed to be regarded.

40. *Treatment of prisoners convicted of sedition, &c.*—23 & 29 Vict. c. 126, s. 67.] The Prison Commissioners shall see that any prisoner under sentence inflicted on conviction for sedition or seditious libel shall be treated as a misdemeanant of the first division within the meaning of section sixty-seven of "The Prisons Act, 1865," notwithstanding any statute, provision, or rule to the contrary.

41. *Treatment of persons committed for contempt of court.*] Any person who should be imprisoned under any rule, order, or attachment for contempt of any court shall be in like manner treated as a misdemeanant of the first division within the meaning of the said section of the said Act.

42. *Test of malingering.*] That where the prison medical officer considers it necessary to apply any painful test to a prisoner to detect malingering or otherwise, such test shall only be applied by authority of an order from the visiting committee of justices, or a prison commissioner.

43. *Limitation of time of confinement in punishment cells.*] It shall not be lawful for the gaoler to order any prisoner to be confined in a punishment cell for any term exceeding twenty-four hours; nor shall it be lawful for the visiting committee of justices to order any prisoner to be punished by confinement in a punishment cell for any term exceeding fourteen days.

44. *As to inquests on the bodies of prisoners.*] In no case, where an inquest is held on the body of a prisoner who dies within the prison, shall any person engaged in any sort of trade or dealing with the prison be a juror on such inquest.

45. *Transfer of duties of existing inspectors of prisons.*] On and after the commencement of this Act, any duties required by Act of Parliament or otherwise to be performed by an inspector of prisons appointed in pursuance of the Act of the session of the fifth and sixth years of King William the Fourth, chapter thirty-eight, may, subject to any directions to be given by the Secretary of State, be performed by any prison commissioner or inspector appointed under this Act.

The persons who at the commencement of this Act hold the offices of inspectors of prisons, under such last-mentioned Act, shall become inspectors under this Act, in the same manner and liable to the performance of the same duties as if they had been appointed inspectors in pursuance of this Act, subject to the following qualifications, namely:—

- (1.) Every such inspector shall hold his office by the same tenure, and upon like terms and conditions, as if this Act had not passed, and shall receive a salary of not less amount than that which he has hitherto received; and
- (2.) Any duties they may be required to perform in pursuance of this Act shall be the same or analogous duties to those which they performed previously to the commencement of this Act.

The seventh section of the Act of the session of the fifth and sixth years of William the Fourth, chapter thirty-eight, shall be repealed from and after the commencement of this Act, in so far as respects England.

46. *Power of prison authority to borrow on rate.*—38 & 39 Vict. c. 83.] A prison authority may borrow any moneys authorised to be borrowed by them under this Act as one loan or as several loans in manner provided by the Local Loans Act, 1875, on the security of any rate or property which would, if this Act had not passed, have been applicable to the maintenance of the prisons within the jurisdiction of such authority, and such prison authority may levy such rate or apply such property in the same manner in all respects as if this Act had not passed.

The period for the discharge of a loan under this Act shall be deemed to begin at the date of the first advance of money made on account of any such loan or loans.

47. *Power of Public Works Loan Commissioners to lend.*—38 & 39 Vict. c. 83.—38 & 39 Vict. c. 89.] The Public Works Loan Commissioners may advance to any prison authority, on the security of such rate or property as aforesaid, any moneys authorised to be borrowed by the prison authority for the purposes of this Act.

The Public Works Loan Commissioners shall take, in respect of any loan advanced by them under this Act, in preference to any other securities, all or such one or more of the securities issuable under the Local Loans Act, 1875, as they may prefer; and for the purposes of any loan so made, and so far as relates to the securities taken and to the recovery of the moneys due on such securities, the Local Loans Act, 1875, shall be deemed to be substituted for the Public Works Loans Act, 1875.

48. *Legal estate in prison.*] The legal estate in every prison to which this Act applies, and in the site and land belonging thereto, and in the furniture and effects, shall, on and after the commencement of this Act, be deemed to be vested in the Prison Commissioners and not in the Secretary of State, but shall from time to time be disposed of by such commissioners in such mode as the Secretary of State, with the consent of the Treasury, may direct.

49. *Appropriation of court-houses situate within the precincts of a prison.*—8 & 9 Vict. c. 18.—23 & 24 Vict. c. 106.—32 & 33 Vict. c. 18.] Town halls, court-houses, or other rooms situate within the curtilage of a prison or forming part of a prison as defined by this Act, and which town halls, court-houses, or other rooms are used for the holding assizes or petty sessions, or for purposes other than those connected with the management of a prison, shall not be transferred to or vested in the Secretary of State under this Act, but it shall be lawful for the Secretary of State, with the consent of the Treasury, if he thinks it desirable, to purchase such town halls, court-houses, or other rooms so situate as aforesaid from the local authority to whom the same belong, and for the purposes of such purchase the Lands Clauses Consolidation Acts, 1845, 1860, and 1869 shall be incorporated with this section, and in the construction of the said incorporated Acts this Act shall be deemed to be the special Act, and the Secretary of State shall be deemed to be the promoter of the undertaking.

50. *Protection of prisons in the nature of national monuments.*] Any buildings which being in the nature of national monuments are as to certain portions thereof used as prisons shall, as to the portions so used during such time as they are used by the Secretary of State, be maintained in such manner as to prevent their being defaced or injured in their character of national monuments.

51. *Rules of Secretary of State, and repeal of inconsistent enactments.*—31 & 32 Vict. c. 37.] Any rule made by a Secretary of State, in pursuance of this Act, may be proved in manner in which regulations made under the authority of one of her Majesty's Principal Secretaries of State are capable of being proved in pursuance of the Documentary Evidence Act, 1868, and all enactments inconsistent with this Act are hereby repealed: Provided always, that all rules and regulations made under or in pursuance of this Act shall be forthwith laid in a complete form, after the same shall have been settled and approved by such Secretary of State, before both Houses of Parliament, if Parliament be sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament; and if any such rules or regulations shall be disapproved by either House of Parliament within forty days after the same shall have been so laid before Parliament, such rules or regulations, or such parts thereof as shall be so disapproved of, shall be void and of no effect: Provided also, that no such rules or regulations shall come into force or operation until the same shall have been so laid before Parliament for forty days.

52. *Saving clause as to reformatory and industrial schools.*—29 & 30 Vict. c. 117.—29 & 30 Vict. c. 118.] Nothing in this Act contained shall affect the powers or jurisdiction of a prison authority in relation to any reformatory school or to any industrial school under the Reformatory Schools Act, 1866, and the Industrial Schools Act, 1866, or either of such Acts, or any Act amending the said Acts, or either of them.

53. *Saving clause as to pensions.*—28 & 29 Vict. c. 126.] Nothing in this Act contained shall entitle any existing officer of a prison to any superannuation or other allowance, the conditions of whose office would not have entitled him to superannuation or other allowance under the Prison Act, 1865.

54. *Commutation of payment by University of Oxford to the city of Oxford.*—31 & 32 Vict. c. 112.] The chancellor,

masters, and scholars of the University of Oxford shall, in consideration of their being relieved from their obligation under the Oxford Police Act of 1863 to contribute to gaol expenses, pay to the mayor, aldermen, and citizens of the city of Oxford, on or before the first day of April one thousand eight hundred and seventy-eight, the sum of four hundred pounds; and the said chancellor, masters, and scholars shall, from that date, be discharged from all liability under the said Act in respect of gaol expenses.

Arrangement and Arbitration.

55. *Power for Secretary of State and prison authority to compromise and refer to arbitration.*—17 & 18 Vict. c. 125.] The Secretary of State on the one hand (with the assent of the Treasury so far as any public moneys are concerned) and a prison authority on the other may, with a view to carry into effect the purposes of this Act, compromise any matter, or settle any difference, or refer to arbitration any matter or difference.

A reference to arbitration under this Act shall be to a single arbitrator, and the provisions of the Common Law Procedure Act, 1854, shall apply accordingly.

Definitions.

56. *Definition of "furniture and effects belonging to a prison."*] The expression "furniture and effects belonging to a prison" includes all furniture, beds, bedding, clothes, linen, implements, machinery, and stores, except goods manufactured for sale, and materials in store for the purposes of such manufacture, also all books, papers, registers, and documents whatsoever relating to such prison or to the prisoners therein, also all articles whatsoever, whether or not of the same kind as those previously described, belonging at the commencement of this Act to the prison authority of any prison for the purposes of such prison.

57. *Definition of "prisoner" and "the maintenance of a prisoner."*—"Cell accommodation for a prisoner."—28 & 29 Vict. c. 126.] A "prisoner" for the purposes of this Act means any person committed to prison on remand or for trial, safe custody, punishment, or otherwise, and "the maintenance of a prisoner" includes all such necessary expenses incurred in respect of a prisoner for food, clothing, custody, safe conduct, and removal from one place of confinement to another, or otherwise, from the period of his committal to prison until his death or discharge from prison, as would if this Act had not passed have been payable by a prison authority; with this proviso, that nothing in this Act shall exempt a prisoner from payment of any costs or expenses in respect of his conveyance to prison or otherwise which he would have been liable to pay if this Act had not passed.

For the purposes of this Act, sufficient accommodation for the prisoners belonging to a prison authority shall, as nearly as can be ascertained, be deemed to be the average daily number of prisoners maintained at the expense of such authority, whether in its own prison or in a prison belonging to some other prison authority, during the five years immediately preceding the first day of January one thousand eight hundred and seventy-seven.

"Cell accommodation for a prisoner" means a cell for the separate confinement of such prisoner certified in pursuance of "The Prison Act, 1865."

58. *Definition of "county" and "riding."*] In the construction of this Act, unless there is something inconsistent in the context,—

"County" means a county at large, inclusive of any riding, division, or parts of a county having a separate court of quarter sessions:

"Riding" means any riding, division, or parts of a county having a separate court of quarter sessions.

The city of London shall be deemed to be a county, and any prison belonging to the city of London to be situate within the limits of that city.

Save as aforesaid, all counties of cities, counties of towns, liberties and franchises of counties, shall be considered as forming part of the county by which they are surrounded, or if partly surrounded by two or more counties, then as forming part of that county with which they have the longest common boundary.

59. *Definition of "borough."*] "Borough" means a place which is for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth (chapter seventy-six), "to provide for the regulation

of municipal corporations in England and Wales," inclusive of any county of a city or county of a town.

60. *Definition of "prison."*—28 & 29 *Vict. c. 126.* "Prison," in addition to the meaning attached to it by the Prison Act, 1865, includes any land or building bought or contracted to be bought before the commencement of this Act by a prison authority, for the purpose of enlarging or altering any prison, or adding to the appurtenances of any prison; subject to this proviso, that if the Secretary of State is of opinion that any portion of the lands so bought or contracted to be bought, whether included or not within the walls of the prison, was not at the time of the passing of this Act necessary for the then subsisting purposes of such prison, he shall either direct that such portion shall be re-conveyed to the prison authority, or retain such portion, or any part of such portion, on payment out of moneys provided by Parliament of such sum as may be agreed upon, or, in the event of difference, may be determined by arbitration in manner provided by this Act, on the transfer of any such prison to him, and the vesting thereof in him as by this Act provided.

61. *Definition of "prison authorities," "justices in sessions assembled," "visiting justices."* In this Act the expressions "prison authorities," "justices in sessions assembled," and "visiting justices" shall respectively have the same meaning in relation to any prison as they have in "The Prison Act, 1865," and expressions defined in that Act have the same meaning also in this Act.

CAP. XXII.

An Act to amend the General Police and Improvement (Scotland) Act, 1862. [12th July, 1877.]

CAP. XXIII.

An Act to make better provision respecting fortifications, works, buildings, and land situate in a Colony, and held for the defence of the Colony. [23d July, 1877.]

CAP. XXIV.

An Act to apply the sum of twenty million pounds out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-eight. [23d July, 1877.]

CAP. XXV.

An Act for regulating the Examination of persons applying to be admitted Solicitors of the Supreme Court of Judicature in England, and for otherwise amending the Law relating to Solicitors.

[23d July, 1877.]

36 & 37 *Vict. c. 66.*—38 & 39 *Vict. c. 77.* Whereas under or by virtue of the enactments of the Act of the sixth and seventh years of the reign of her present Majesty, chapter seventy-three, and of the Act of the twenty-third and twenty-fourth years of the same reign, chapter one hundred and twenty-seven, and of the Supreme Court of Judicature Acts, 1873 and 1875, relating to the admission of persons as solicitors of the Supreme Court, and of regulations made under the authority of those enactments, persons applying to be admitted as solicitors of the Supreme Court of Judicature in England are (with certain exceptions) required to pass examinations known respectively as the preliminary, the intermediate, and the final examination:

And whereas under the above-mentioned enactments the power of making regulations for the conduct of the said examinations and of appointing examiners is vested in certain judges of her Majesty's High Court of Justice:

And whereas it is expedient that such powers, subject as hereinafter mentioned, be vested in the Incorporated Law Society, and that other amendments be made in the law relating to solicitors of the Supreme Court:

Be it enacted, &c.:

Preliminary.

1. *Short title and construction of Act.*—6 & 7 *Vict. c. 73.*—23 & 24 *Vict. c. 127.* This Act may be cited for all purposes as "The Solicitors Act, 1877," and the Act of the sixth and seventh years of the reign of her present Majesty, chapter seventy-three, "For consolidating and amending several of the laws relating to Attorneys and Solicitors practising in

England and Wales," and the Act of the twenty-third and twenty-fourth years of the same reign, chapter one hundred and twenty-seven, "To amend the laws relating to Attorneys Solicitors Proctors and Certificated Conveyancers," may be respectively cited for all purposes as "The Solicitors Act, 1843," and "The Solicitors Act, 1860," and this Act shall (so far as is consistent with the tenour thereof) be construed as one with the said Solicitors Acts, 1843 and 1860, and with the other enactments for the time being in force relating to solicitors.

2. *Extent of Act.* This Act shall not extend to Scotland or Ireland.

3. *Commencement of Act.* This Act shall, so far as regards the power of certain of the judges of her Majesty's High Court of Justice and of the Incorporated Law Society to make regulations thereunder, and so far as regards the issue of notices and other proceedings preliminary to holding the first examinations thereunder, come into operation on the passing thereof, and for all other purposes shall come into operation on the first day of January one thousand eight hundred and seventy-eight.

4. *Interpretation.* In this Act,—

"The Incorporated Law Society" or "The Society" means "The Society of Attorneys Solicitors Proctors and others not being Barristers practising in the Courts of Law and Equity of the United Kingdom:"

"Solicitor" means solicitor of the Supreme Court of Judicature in England:

"Preliminary examination" means an examination in general knowledge of persons becoming bound under articles of clerkship to solicitors:

"Intermediate examination" means an examination of persons bound under articles of clerkship to solicitors in order to ascertain the progress made by such persons during their articles in acquiring the knowledge necessary for rendering them fit and capable to act as solicitors:

"Final examination" means an examination of persons applying to be admitted as solicitors as well touching the articles and service as the fitness and capacity of such persons to act as solicitors, in all business and matters usually transacted by solicitors, and includes, where any allegation is made by the registrar of solicitors as to the moral unfitness of any such person to be an officer of the Supreme Court, an inquiry into the truth of such allegation.

Examinations.

5. *Certificate of having passed examinations requisite for admission as solicitor.* Subject to the exemptions allowed by this Act, or by regulations made under the authority thereof, a person shall not be admitted as a solicitor unless he has obtained from the Incorporated Law Society, or some person authorised in writing by that society, a certificate or certificates to the effect that he has passed a preliminary, an intermediate, and a final examination.

6. *Examinations to be held under management of Incorporated Law Society.* The Incorporated Law Society are hereby authorised and required to hold, at least three times in the year commencing with the first day of January one thousand eight hundred and seventy-eight, and in every succeeding year, a preliminary examination, an intermediate examination, and a final examination, and the society shall, subject to the provisions of this Act, have the entire management and control of all such examinations, and shall have power from time to time to make regulations with respect to all or any of the following matters; (that is to say,)

- (A.) With respect to the subjects for and the mode of conducting the examination of candidates; and
- (B.) With respect to the times and places of examinations and the notices of examinations; and
- (C.) With respect to the certificates to be given to persons of their having passed any examination; and
- (D.) With respect to the appointment and removal of examiners (other than the ex-officio examiners in this Act mentioned) and with respect to the remuneration by fees or otherwise of the examiners so appointed; and
- (E.) With respect to any other matter or thing as to which the society think it expedient to make regulations for the purpose of carrying this section into execution.

Any regulation made under the authority of this section may

be altered or revoked by a subsequent regulation; and copies of all regulations made under the authority of this section shall be transmitted to the presidents of the Queen's Bench Division, the Common Pleas Division, and the Exchequer Division of the High Court of Justice, and to the Master of the Rolls, and if within twenty-eight days after a copy of any regulation has been so transmitted, any two of those judges (the Master of the Rolls being one) signify by writing under their hands, addressed to the president or the vice-president or secretary of the society, their dissent from such regulation or any part thereof, the same shall be of no force or effect; and if after any such regulation or any part thereof has come into force any two of those judges (the Master of the Rolls being one) shall signify in manner aforesaid their dissent from such regulation or any part thereof the same shall, at the expiration of two months, cease to be of any force or effect.

7. *Masters of Queen's Bench, Common Pleas, and Exchequer Divisions to be ex-officio examiners.* Unless and until the presidents of the Queen's Bench Division, Common Pleas Division, and Exchequer Division of the High Court of Justice, and the Master of the Rolls otherwise order, the several masters for the time being of those divisions shall be ex-officio examiners for the intermediate and the final examinations, and one of such ex-officio examiners shall act in the conduct of every such examination in conjunction with the examiners appointed by the society in pursuance of this Act.

8. *Fees payable to Incorporated Law Society in respect of examinations.* Any person applying to be examined or re-examined at a preliminary, intermediate, or final examination shall pay to the Incorporated Law Society such fees in respect of such examinations (and in such proportions and at such times) as may be from time to time determined by regulations to be made by the presidents of the Queen's Bench Division, the Common Pleas Division, and the Exchequer Division of the High Court of Justice, and the Master of the Rolls, or any two of them, of whom the Master of the Rolls shall be one.

All moneys paid to the society in pursuance of this Act in respect of the preliminary, intermediate, and final examinations shall be applied by the society in payment of the expenses from time to time incurred by the society with reference to such examinations, and with reference to the lectures, classes, and other teaching provided by the society from time to time for persons bound or about to be bound under articles of clerkship to solicitors.

9. *Appeal to Master of the Rolls against refusal of certificate.* Any person who has been refused a certificate of having passed an intermediate or final examination, and who objects to such refusal, whether on account of the nature or difficulty of the questions put to him by the examiners, or on any other ground whatsoever, shall be at liberty within one month next after such refusal to appeal by petition in writing to the Master of the Rolls against such refusal, such petition to be presented in such manner and subject to such regulations as the Master of the Rolls may from time to time direct.

In the meantime and until the Master of the Rolls otherwise directs, such petition shall, as to a final examination, be presented at the Petty Bag Office without the payment of any fee, and a copy of such petition shall be left therewith and shall be delivered by the clerk of the petty bag to the secretary of the Incorporated Law Society, and the clerk of the petty bag shall also notify to such secretary the day appointed for the hearing of the petition, and the same shall be heard by the Master of the Rolls on such day after the expiration of fourteen days from the day on which such petition was presented and at such time as he may appoint.

On the hearing of any petition under this section the Master of the Rolls may make such order as to him may seem meet, and where any person who has been refused a certificate of having passed his final examination, on appeal to the Master of the Rolls, obtains an order for his admission, such order shall entitle him to a certificate from the Incorporated Law Society of his fitness and capacity to act as a solicitor, and in the usual business transacted by a solicitor, in the same manner as if he had passed his final examination.

10. *General exemptions from preliminary examination.* A certificate of having passed a preliminary examination under this Act shall not be required from any person who has taken the degree of Bachelor of Arts or Bachelor of Laws in the Universities of Oxford Cambridge Dublin Durham or London, or in the Queen's University in Ireland, or the degree of Bachelor of Arts Master of Arts

Bachelor of Laws or Doctor of Laws in any of the universities of Scotland, (none of such degrees being honorary degrees,) or who has been called to the degree of Barrister in England, or who has passed the final examination before moderators at Oxford, or the final examination at Cambridge, or the examination at the second year at Durham, or who has passed the local examinations established by the University of London, or one of the non-gremial examinations established by the University of Cambridge, or one of the examinations of the Oxford and Cambridge Schools Examination, or one of the matriculation examinations at the Universities of Dublin or London (notwithstanding he may have been placed in the first division of such matriculation examination), or the examination for the first-class certificate of the College of Preceptors incorporated by Royal Charter in 1849.

The presidents of the Queen's Bench Division, the Common Pleas Division, and the Exchequer Division of the High Court of Justice, and the Master of the Rolls, or any three of them (the Master of the Rolls being one), may make, and from time to time alter and revoke regulations extending the above exemptions to any persons who pass any examination held in any of the above-mentioned universities or in the Owen's College, Manchester, or in any other university, college, or educational institution, and specified in that behalf in the said regulations.

11. *Power of judges to grant special exemptions from preliminary examination.* The presidents of the Queen's Bench Division, the Common Pleas Division, and the Exchequer Division of the High Court of Justice, and the Master of the Rolls, or any one or more of them, may, where under special circumstances they or he see fit so to do, exempt any person from compliance with the enactments and regulations for the time being in force with respect to the preliminary examination either entirely or partially, or subject to any such conditions as to them or him may seem fit.

12. *Exemption of certain barristers from intermediate examination.* Any person who has been called to the degree of Utter Barrister in England, and is of not less than five years standing at the bar, and has procured himself to be disbarred with a view of becoming a solicitor, and has obtained from two of the benchers of the inn to which he belongs or to which he belonged a certificate of his being a fit and proper person to practise as a solicitor, shall not be required to obtain a certificate of having passed an intermediate examination under this Act, and shall be entitled on passing a final examination under this Act (except so much of such examination as relates to articles and service under articles) to be admitted and enrolled as a solicitor.

13. *Power of judges to provide for admission in certain cases after four years service.* The presidents of the Queen's Bench Division, the Common Pleas Division, and the Exchequer Division of the High Court of Justice, and the Master of the Rolls, or any three of them (the Master of the Rolls being one), may make and from time to time alter and revoke regulations directing that any person having passed any examination held in the Universities of Oxford Cambridge Dublin Durham or London, or in the Queen's University in Ireland, or in any of the Universities in Scotland, or in the Owen's College, Manchester, or in any other university, college, or educational institution, and specified in that behalf in such regulations, may be admitted and enrolled as a solicitor after service under articles of clerkship to a practising solicitor for the term of four years, but not so as to allow in any case a less term of service than four years.

14. *Time of regulations coming into force.* All regulations duly made by any of her Majesty's judges or by the society in pursuance of this Act before the first day of January one thousand eight hundred and seventy-eight shall come into force on that day, and on that day the general rules and regulations, dated the second day of November one thousand eight hundred and seventy-five, and the schedules thereto, (with the exception of the regulations "As to re-admission and the taking out and renewal of certificates," and "As to custody of rolls and documents," and "Provisions as to notices, &c. already given,") shall cease to be of any force or effect.

Miscellaneous Amendments of Law.

15. *Power for Master of Rolls to admit though service under articles is irregular.*—6 & 7 Vict. c. 73.—23 & 24 Vict. c. 127.] Where any person articulated to a solicitor has not served as a clerk under such articles strictly within the provisions of The Solicitors Act, 1843, and The Solicitors Act, 1860, and any Act amending the same, but subsequently to the execution of his articles bona fide serves (either continuously or not) one or more solicitors as an articulated clerk for periods together equal in duration to the full term for which he was originally articulated, and has obtained such certificates as he is required by this Act to obtain, it shall be lawful for the Master of the Rolls in his discretion, if he is satisfied that such irregular service was occasioned by accident, mistake, or some other sufficient cause, and that such service, although irregular, was substantially equivalent to a regular service, to admit such person to be a solicitor in the same manner as if such service had been a regular service within the meaning of the said Acts and any Act amending the same.

16. *Form of registrar's certificate.*] The annual certificate required by law to be obtained by every practising solicitor from the registrar of solicitors, and the declaration required to be delivered to the registrar for the purpose of obtaining such certificate, may respectively be in the forms (A.) and (B.) in the first schedule to this Act, or to the like effect.

17. *Solicitors eligible to practise in ecclesiastical courts.*] Any solicitor may practise in all courts and before all persons having or exercising power, authority, or jurisdiction in matters ecclesiastical in England, and shall be deemed to be duly qualified to practise and may practise in all matters relating to applications to obtain notarial faculties, and generally shall have and may exercise all the powers and authorities, and shall be entitled to all the rights and privileges, and may fulfil all the functions and duties which appertain or belong to the office or profession of a proctor, whether in the provincial, diocesan, or other jurisdictions in England.

18. *As to commissioners for taking oaths in ecclesiastical courts.*] Commissioners for taking oaths in the Supreme Court of Judicature in England shall be commissioners for taking oaths in or for the purpose of any of the ecclesiastical courts or jurisdictions, or matters ecclesiastical in England, or matters relating to application for notarial faculties.

19. *Council of Incorporated Law Society may act on behalf of society.*] All rules and regulations acts matters and things respectively authorised or required to be made or done by the Incorporated Law Society under or in pursuance of this Act or of The Solicitors Act, 1843, or of The Solicitors Act, 1860, or under any orders, rules, and regulations made in pursuance thereof respectively, may be made or done by the council for the time being of the society on behalf of the society.

20. *Authentication of regulations and other documents.*] All rules regulations certificates notices and other documents made or issued by the Incorporated Law Society for any purpose whatever may be in writing or print, or partly in writing and partly in print, and may be signed on behalf of the society by the secretary, or by such other officer or officers of the society as may be from time to time prescribed by the council.

21. *Construction of enactments referring to attorneys and examinations.*] All enactments referring to attorneys which are in force immediately after the coming into operation of this Act shall be construed as if the expression "solicitor of the Supreme Court" were therein substituted for the expression "attorney," and all enactments relating to the examinations of attorneys and solicitors which are in force immediately after the coming into operation of this Act shall be construed as relating to the examinations to be held in pursuance of this Act.

Temporary Provision and Repeal.

22. *Temporary provision as to examinations.*] All persons who before this Act comes into operation have passed a preliminary but have not passed an intermediate or final examination, and all persons who have passed an intermediate but have not passed a final examination under the enactments and regulations hereby repealed, shall be deemed respectively to have passed a preliminary or a preliminary and intermediate examination under this Act as the case may be,

and all persons who have passed a final examination under the said enactments and regulations but have not been admitted shall be deemed to have passed a final examination under this Act.

23. *Repeal of scheduled enactments.*—38 & 39 Vict. c. 77.] The Acts mentioned in the first part of the second schedule to this Act are hereby repealed as from the first day of January one thousand eight hundred and seventy-eight, to the extent specified in the third column in the said part of that schedule, with the qualification that so much of the said Acts as is set forth in the second part of that schedule shall be re-enacted in manner therein appearing, and shall be of the same force as if enacted in the body of this Act: Provided also, that this repeal shall not affect—

- (A) Anything duly done or suffered under any enactment hereby repealed; or
- (B) Any right, liability, or penalty acquired, accrued, or incurred under any enactment hereby repealed, or any legal proceeding or remedy in respect of any such right, liability, or penalty, and any such legal proceeding and remedy may be carried on as if this Act had not been passed;

And the regulations made by certain of the judges of the High Court of Justice in pursuance of the power contained in section 14 of the Judicature Act, 1875, for adapting the enactments and forms therein mentioned, shall as from the said first day of January one thousand eight hundred and seventy-eight cease to be of any force or effect.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

FORM (A.).

Registrar's Certificate.

No. 18.
6 & 7 Vict. c. 73.] Pursuant to The Solicitors Act, 1843, and the Acts amending the same, the Incorporated Law Society, as the registrar of solicitors, hereby certifies that solicitor of the Supreme Court, whose place of business { are } at , hath this day left with the secretary of the said society a declaration in writing signed by (a) , containing his name and place or places of business, together with the term and year, or the month and year in or as of which he was admitted, and hereby further certifies that the said solicitor is duly enrolled a solicitor of the Supreme Court, and is entitled to practise as such solicitor on this certificate being duly stamped as required by law.

Given under the hand of the secretary of the Incorporated Law Society this day of 187 . , Secretary.

Produced and entered this day of 187 .

(a) The said solicitor or the said solicitor's partner on his behalf or the said solicitor's London agent as the case may be. The name of the partner or agent need not be inserted here.

* * * If this certificate is stamped after the 1st January, it must be produced to the registrar of solicitors within a month of the payment of the duty.

If admitted a notary this certificate should be entered at the Faculty Office; if a proctor it should be entered in the court in which he is admitted.

FORM (B.).

Declaration for obtaining the Registrar's Certificate.

No. 18.
I hereby declare that I was admitted an attorney of (a) in Term in the year 18 [or] a solicitor of the Supreme Court in the month of in the year 18 and that { my } place of business { is } as follows (b):— { his } { are }

Dated this day of 18 .

Signature

[Partner or London agent of the said
To the Registrar of Solicitors.]

(a) One court is sufficient.

(b) If removed since last certificate state such removal.

THE SECOND SCHEDULE.

PART I.

Enactments repealed.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
6 & 7 Vict. c. 73.	An Act for consolidating and amending several of the laws relating to attorneys and solicitors practising in England and Wales.	Sections 15, 16, 17, 18, 20, and so much of section 30 and of the second schedule as relates to fees payable to the Incorporated Law Society.
23 & 24 Vict. c. 127.	An Act to amend the laws relating to attorneys, solicitors, proctors, and certificated conveyancers.	Sections 8, 9, 11, 13, 14, section 19 from the words "and after" to the end of the section; section 20 from the words "and the said Lords Chief Justices" to the words "from time to time," section 23, and the schedules (A.) and (B.).
33 & 34 Vict. c. 28.	The Attorneys and Solicitors Act, 1870.	Section 20.

PART II.

6 & 7 Vict. c. 73. s. 15.

If the Master of the Rolls or any of the judges of the Queen's Bench Division, the Common Pleas Division, or the Exchequer Division of the High Court of Justice is, by a certificate or certificates granted in pursuance of this Act, satisfied with respect to any person applying to be admitted a solicitor of the Supreme Court that such person is duly qualified to be admitted to act as a solicitor of the Supreme Court, then and not otherwise the Master of the Rolls shall administer the requisite oath and cause such person to be admitted a solicitor of the Supreme Court, and his name to be enrolled as a solicitor of such court, which admission shall be written on parchment and signed by the Master of the Rolls.

6 & 7 Vict. c. 73. s. 20.

Such person or persons as the presidents of the Queen's Bench Division, the Common Pleas Division, and the Exchequer Division of the High Court of Justice, jointly with the Master of the Rolls, shall for that purpose appoint, shall have the custody and care of the rolls or books wherein persons are enrolled as solicitors of the Supreme Court, and shall be deemed and taken as the proper officer or officers for filing such affidavits as in The Solicitors Act, 1843, are mentioned, and he or they is or are hereby also respectively required from time to time, without fee or reward, other than as in the said Act mentioned, to enrol the name of every person who shall be admitted a solicitor of the Supreme Court pursuant to the directions in the said Act, and the time when admitted, in alphabetical order, in rolls or books to be kept for that purpose, to which rolls or books all persons shall and may have free access without fee or reward.

23 & 24 Vict. c. 127. s. 23.

If any solicitor of the Supreme Court, after having at any time taken out a stamped certificate, neglects for a whole year after the expiration thereof to renew the same for the following year, the registrar shall not afterwards grant a certificate to such solicitor, except under an order of the Master of the Rolls, and it shall be lawful for the Master of the Rolls to direct the registrar to issue a certificate to such person on such terms and conditions as he may think fit.

CAP. XXVI.

An Act to amend the Companies Acts of 1862 and 1867. [23d July, 1877.]

30 & 31 Vict. c. 131.] Whereas doubts have been enter-

tained whether the power given by the Companies Act, 1867, to a company of reducing its capital extends to paid-up capital, and it is expedient to remove such doubts: Be it enacted, &c.:

1. *Short title.*] This Act may be cited for all purposes as the Companies Act, 1877.

2. *Construction of Act.*—25 & 26 Vict. c. 89.—30 & 31 Vict. c. 131.] This Act shall, so far as is consistent with the tenor thereof, be construed as one with the Companies Acts, 1862 and 1867, and the said Acts and this Act may be referred to as "The Companies Acts, 1862, 1867, and 1877."

3. *Construction of "capital" and powers to reduce capital contained in 30 & 31 Vict. c. 131.]* The word "capital" as used in the Companies Act, 1867, shall include paid-up capital; and the power to reduce capital conferred by that Act shall include a power to cancel any lost capital, or any capital unrepresented by available assets, or to pay off any capital which may be in excess of the wants of the company; and paid-up capital may be reduced either with or without extinguishing or reducing the liability (if any) remaining on the shares of the company, and to the extent to which such liability is not extinguished or reduced it shall be deemed to be preserved, notwithstanding anything contained in the Companies Act, 1867.

4. *Application of provisions of 30 & 31 Vict. c. 131.—30 & 31 Vict. c. 131.]* The provisions of the Companies Act, 1867, as amended by this Act, shall apply to any company reducing its capital in pursuance of this Act and of the Companies Act, 1867, as amended by this Act:

Provided that where the reduction of the capital of a company does not involve either the diminution of any liability in respect of unpaid capital or the payment to any shareholder of any paid-up capital.

(1.) The creditors of the company shall not, unless the court otherwise direct, be entitled to object or required to consent to the reduction; and

(2.) It shall not be necessary before the presentation of the petition for confirming the reduction to add, and the court may, if it thinks it expedient so to do, dispense altogether with the addition of the words "and reduced," as mentioned in the Companies Act, 1867.

In any case that the court thinks fit so to do, it may require the company to publish in such manner as it thinks fit the reasons for the reduction of its capital or such other information in regard to the reduction of its capital as the court may think expedient with a view to give proper information to the public in relation to the reduction of its capital by a company, and, if the court thinks fit, the causes which led to such reduction.

The minute required to be registered in the case of reduction of capital shall show, in addition to the other particulars required by law, the amount (if any) at the date of the registration of the minute proposed to be deemed to have been paid up on each share.

5. *Power to reduce capital by the cancellation of unissued shares.]* Any company limited by shares may so far modify the conditions contained in its memorandum of association, if authorised so to do by its regulations as originally framed or as altered by special resolution, as to reduce its capital by cancelling any shares which, at the date of the passing of such resolution, have not been taken or agreed to be taken by any person; and the provisions of "The Companies Act, 1867," shall not apply to any reduction of capital made in pursuance of this section.

6. *Reception of certified copies of documents as legal evidence.*—25 & 26 Vict. c. 89.—30 & 31 Vict. c. 131.—40 & 41 Vict. c. 26.] And whereas it is expedient to make provision for the reception as legal evidence of certificates of incorporation other than the original certificates, and of certified copies of or extracts from any documents filed and registered under the Companies Acts, 1862 to 1877: Be it enacted, that any certificate of the incorporation of any company given by the registrar or by any assistant registrar for the time being shall be received in evidence as if it were the original certificate; and any copy of or extract from any of the documents or part of the documents kept and registered at any of the offices for the registration of joint stock companies in England, Scotland, or Ireland, if duly certified to be a true copy under the hand of the registrar or one of the assistant registrars for the time being, and whom it shall

it be necessary to prove to be the registrar or assistant registrar, shall, in all legal proceedings, civil or criminal, and in all cases whatsoever, be received in evidence as of equal validity with the original document.

CAP. XXVII.

An Act to grant Money for the purposes of Loans by the Commissioners of Public Works in Ireland, and to remit certain Loans, and to amend the Law relating to Loans for public purposes by the Commissioners of Public Works in Ireland. [23d July, 1877.]

CAP. XXVIII.

An Act to amend the Laws relating to Game in Scotland. [2nd August, 1877.]

CAP. XXIX.

An Act for the protection of the Property of Married Women in Scotland. [2nd August, 1877.]

CAP. XXX.

An Act for enabling a further Sum to be raised for the purposes of the Telegraph Acts, 1868 to 1870. [2nd August, 1877.]

CAP. XXXI.

An Act to give further facilities to Landowners of limited interests in England and Wales and Ireland to charge their estates with the expenses of constructing Reservoirs for the Storage of Water, and other similar purposes. [2nd August, 1877.]

Whereas landowners of limited interests in England and Wales, with the approval of the Inclosure Commissioners, and in Ireland of the Commissioners of Public Works in Ireland, are enabled to charge their estates with sums expended by them in constructing reservoirs and other works for the supply of water, if it can be shown to the satisfaction of the said commissioners that such works will effect a permanent yearly increase in the value of such estates for agricultural purposes exceeding the yearly amount proposed to be charged thereon, and are also enabled to charge their estates with sums subscribed for the construction of railways and navigable canals, if it can be shown to the satisfaction of the commissioners that such railways and canals will effect a permanent yearly increase in the value of such estates for any purpose exceeding the yearly amount proposed to be charged thereon :

And whereas in many places it would greatly conduce to the affording of a plentiful supply of pure water to the inhabitants of villages and towns and to the industrial requirements of the locality, if facilities were given to landowners of limited interests to charge their estates, subject to the approval of the commissioners, with sums expended by them in constructing reservoirs and other works for the supply of water, of a character permanently to increase the value of such estates for other than agricultural purposes, or to be otherwise permanently productive of profit to the owners of the estates, and if such landowners were also enabled to charge their estates with sums subscribed by them for the construction of water-works on the same terms and conditions as those on which they are now enabled to charge their estates with subscriptions for the construction of railways and canals :

Be it enacted, &c. :

1. *Short title.*] This Act may be cited as the Limited Owners Reservoirs and Water Supply Further Facilities Act, 1877.

2. *Extent of Act.*] This Act shall not extend to Scotland.

3. *Act incorporated with 27 & 28 Vict. c. 114.*] This Act shall be incorporated with the Improvement of Land Act, 1864, and the two Acts shall be read together as one Act.

4. *Certain provisions of 26 & 27 Vict. c. 93. incorporated.*—27 & 28 Vict. c. 114.] The provisions of the Waterworks Clauses Act, 1863, with respect to the security of the reservoirs constructed by the undertakers are incorporated

with this Act; and in that Act, as incorporated with this Act, the expression "the special Act" shall mean and include the Improvement of Land Act, 1864, and this Act; and the expression "the undertakers" shall mean any person who constructs or erects any reservoir or dam under the authority of either of the last-mentioned Acts.

5. *What to be deemed improvements within 27 & 28 Vict. c. 114.*] The construction or erection of reservoirs or other works of a permanent character for the supply of water to persons residing or engaged in labour on the lands on which such works are situate, or on any other lands settled to the same uses, or for the more convenient or profitable user of such lands, or for the supply of water to any sanitary or other local authority or water company, or to any manufacturer or other person, or for any one or more of such purposes, shall be deemed to be an improvement of land within the meaning of the ninth section of the Improvement of Land Act, 1864, and shall be sanctioned by the commissioners, if it can be shown to their satisfaction that such reservoirs or works for the supply of water will for any purpose effect a permanent yearly increase in the value of the lands on which they are situate, or any other lands settled to the same uses, or will be permanently productive of a yearly revenue to the owner of such lands exceeding the yearly amount proposed to be charged thereon; and the construction of any such works shall be deemed to include the purchase by the landowner of any water right or other easement which might otherwise interfere with or prevent the construction of the same or any such supply of water as aforesaid.

In calculating whether the improvement is likely to effect a permanent increase of the yearly value of the land, or be productive of a yearly revenue to the landowner exceeding the yearly amount proposed to be charged thereon, it shall be lawful for the commissioners to take into account the value of any contract, the terms of which have been agreed upon between the landowner and any sanitary or other local authority, or water company, or manufacturer or other persons, for the purpose of supplying such authority, company, person, or persons with water, as well as the effect on such value or revenue of any sum expended by the landowner in the construction of the works over and above the sum proposed to be charged upon the land.

When the improvement will afford a supply of water to persons residing or engaged in labour on the lands on which the proposed works will be situate, or on any other lands settled to the same uses, the commissioners may, if they think fit, sanction the improvement, although it may not be shown that the same will effect a direct yearly increase in the value of the lands, or be productive of a yearly revenue to the owner of the lands exceeding the yearly amount proposed to be charged thereon.

6. *Supply of water to local authority, &c.*] Any landowner charging or proposing to charge his estate with the cost of the construction of reservoirs or other works for the supply of water under this Act may enter into any agreement for the supply of water to any sanitary or other local authority, water company, manufacturer, or other person, for any term not exceeding the number of years during which the cost of the improvement, or any part of it, is made a charge upon the estate: Provided that every such agreement be approved by the commissioners, and that no premium or benefit in the nature of a premium be reserved thereby by the landowner.

7. *Power to contract for execution of reservoirs, &c.*] Any company now authorised to contract with landowners in England or Wales, or in Ireland, for the execution of any works for the improvement of land, or to make advances for the purpose of executing or assisting in the execution of such works, may, with the approval of the commissioners, contract with any such landowner for the execution of any reservoirs or works of water supply, the cost of which may by this Act be charged upon the estates of such landowner, and may, with the like approval, make advances for the purpose of executing or assisting in the execution of such reservoirs or works; and for this purpose the execution of any such reservoirs or works shall be deemed to be an improvement of land within the meaning of any Act of Parliament or articles of association relating to any such company.

8. *Subscriptions to waterworks.*] Any landowner desiring to charge his estates with subscriptions for the construction

of waterworks by a water company may charge his estates with such moneys on the same terms and conditions as he may under the Improvement of Land Act, 1864, charge his estates with moneys subscribed for the construction of railways or navigable canals; and for this purpose the provisions contained in sections seventy-eight to eighty-nine, both inclusive, of the Improvement of Land Act, 1864, shall apply, *mutatis mutandis*, to such subscriptions, as if the same had been subscribed for the construction of a railway or navigable canal.

9. *Protection of rights.*] Nothing in this Act shall be construed to authorise any landowner, or any water company, local authority, person, or persons authorised by any landowner, to injuriously affect any reservoir, canal, river, stream, or navigation, or the feeders thereof, or the supply, quality, or fall of water contained in any reservoir, canal, river, stream, or navigation, or in the feeders thereof, or any other water rights or easements in cases where any body of persons or person would, if this Act had not passed, have been entitled by law to prevent or be relieved against the injuriously affecting such reservoir, canal, river, stream, navigation, feeders, or such supply, quality, or fall of water, or other water rights or easements, unless the landowner, water company, local authority, person, or persons first obtain the consent in writing of the body of persons or person so entitled as aforesaid.

10. *Definitions.*] In this Act the following words and expressions shall have the following meanings; that is to say,

"The commissioners" means the Inclosure Commissioners of England and Wales, or the Commissioners of Public Works in Ireland, as the case may require:

"The Improvement of Land Act, 1864," means the 27th and 28th Vict. c. 114:

"Works for the supply of water" includes wells, pumps, reservoirs, cisterns, ponds, tanks, aqueducts, cuts, sluices, mains, pipes, culverts, machinery, and things for supplying or used in supplying water:

"Water company" means any person or body of persons, corporate or unincorporate, supplying or who may hereafter supply water for his or their own profit:

"Local authority" means any authority having jurisdiction for any public local purpose.

The several words and expressions to which by the Improvement of Land Act, 1864, meanings are assigned, shall in this Act have the same respective meanings as in that Act.

CAP. XXXII.

An Act to remit certain Loans formerly made out of the Consolidated Fund or other Public Revenue of the United Kingdom. [2nd August, 1877.]

CAP. XXXIII.

An Act to amend the Law as to Contingent Remainders. [2d August, 1877.]

Be it enacted, &c.:

1. *Cases in which contingent remainders capable of taking effect.*] Every contingent remainder created by any instrument executed after the passing of this Act, or by any will or codicil revived or republished by any will or codicil executed after that date, in tenements or hereditaments of any tenure, which would have been valid as a springing or shifting use or executory devise or other limitation had it not had a sufficient estate to support it as a contingent remainder, shall, in the event of the particular estate determining before the contingent remainder vests, be capable of taking effect in all respects as if the contingent remainder had originally been created as a springing or shifting use or executory devise or other executory limitation.

CAP. XXXIV.

An Act to amend the Acts seventeenth and eighteenth Victoria, chapter one hundred and thirteen, and thirtieth and thirty-first Victoria, chapter sixty-nine. [2d August, 1877.]

Be it enacted, &c.:

1. *Application of Acts in schedule.*] The Acts mentioned in the schedule hereto shall, as to any testator or intestate dying after the thirty-first December one thousand eight hundred

and seventy-seven, be held to extend to a testator or intestate dying seized or possessed of or entitled to any land or other hereditaments of whatever tenure which shall at the time of his death be charged with the payment of any sum or sums of money by way of mortgage, or any other equitable charge, including any lien for unpaid purchase money; and the devisee or legatee or heir shall not be entitled to have such sum or sums discharged or satisfied out of any other estate of the testator or intestate unless (in the case of a testator) he shall within the meaning of the said Acts have signified a contrary intention; and such contrary intention shall not be deemed to be signified by a charge of or direction for payment of debts upon or out of residuary real and personal estate or residuary real estate.

2. *Act not to extend to Scotland.*] This Act shall not extend to Scotland.

SCHEDULE.

17 & 18 Vict. c. 113.	An Act to amend the law relating to the administration of the estates of deceased persons.
30 & 31 Vict. c. 69.	An Act to explain the operation of the Act 17 & 18 Vict. c. 113.

CAP. XXXV.

An Act for affording Facilities for the enjoyment by the Public of Open Spaces in the Metropolis.

[2d August, 1877.]

Whereas it is expedient to afford facilities for making available the open spaces in and near the metropolis for the use of the inhabitants for exercise and recreation, and to enable the Metropolitan Board of Works to acquire the control and management of such open spaces for such purposes:

Be it enacted, &c.:

1. *Metropolitan Board of Works may acquire and hold open spaces for benefit of public*—18 & 19 Vict. c. 120.] The Metropolitan Board of Works may, by purchase on voluntary sale, or by the gift of the person or persons legally entitled to dispose of the same, acquire or accept the ownership of any open spaces, whether inclosed within rails or palings, or uninclosed, situated in the metropolis, and hold the same in trust for the perpetual use thereof by the public for exercise and recreation, and may from time to time make byelaws for the regulation of such open spaces, and may by such byelaws provide for the removal of any person infringing any such byelaw by any officer of the said Board or police constable. Byelaws under this section shall be made in the same manner and subject to the same conditions as byelaws made by the said Board under the Metropolis Management Act, 1855.

2. *Right of entry to places of recreation may be conveyed to Metropolitan Board of Works.*] Where any open spaces now are or hereafter may be used as places of exercise and recreation for the inhabitants of certain houses, and the property and right of user is now or hereafter may be vested in one or more persons as owners or occupiers of such houses, such owners and occupiers (if any) may convey to the Metropolitan Board of Works, in trust for the public, the right to enter upon and use and enjoy such open spaces, subject to such terms and conditions as may be agreed upon.

3. *Provision for keeping up open spaces.*] The Metropolitan Board of Works shall be entitled to make such provisions as may be necessary for maintaining and protecting the open spaces so acquired by them.

4. *Expenses*—18 & 19 Vict. c. 120.] The Metropolitan Board of Works shall be empowered to pay out of the funds at their disposal or which they are empowered to raise under the said Metropolis Management Act, 1855, and the several Acts amending the same, the costs and charges which they may incur in the execution of this Act, and such costs and charges shall be deemed to be expenses for which provision is made by such Acts.

5. *Extent of Act*—14 & 15 Vict. c. 95—29 & 30 Vict. c. 122—32 & 33 Vict. c. 107.] This Act shall not extend to the Royal parks, nor to any land belonging to her Majesty in right of her Crown or of her Duchy of Lancaster, or any garden, ornamental ground, or ornamental land for the time

being under the management of the Commissioners for the time being of her Majesty's Works and Public Buildings or of the Commissioners for the time being acting under the Crown Estate Paving Act, 1851, or to any metropolitan common within the meaning of "The Metropolitan Commons Act, 1866," and "The Metropolitan Commons Amendment Act, 1869," nor to any land belonging to either of the honourable Societies of the Inner Temple and Middle Temple.

6. *Meaning of term "metropolis."*] The term "metropolis" in this Act means all parishes and places mentioned in schedules A, B, and C. to the said Metropolitan Management Act, 1855.

7. *In the City of London the powers of the Act to be executed by the Corporation.*] The powers in this Act conferred on the Metropolitan Board of Works shall in the City of London be exercised by the mayor, aldermen, and commons of the said city, who shall defray all the expenses caused by or connected with the execution of such powers.

8. *Short title.*] This Act may be cited as the Metropolitan Open Spaces Act, 1877.

CAP. XXXVI.

An Act to amend "The Registration of Leases (Scotland) Act, 1857."

[6th August, 1877.]

CAP. XXXVII.

An Act for extending the Time for the Registration of Trade Marks, in so far as relates to Trade Marks used in Textile Industries.

[6th August 1877.]

39 & 40 Vict. c. 33—38 & 39 Vict. c. 91.] Whereas by section one of the Trade Marks Registration Amendment Act, 1876, it is provided that from and after the first day of July one thousand eight hundred and seventy-seven a person shall not be entitled to institute any proceeding to prevent or to recover damages for the infringement of any trade mark as defined by the Trade Marks Registration Act, 1875 (referred to in such Amendment Act and in this Act as the principal Act), until and unless such trade mark is registered in pursuance of the principal Act, or until and unless, with respect to any device, mark, name, combination of words, or other matter or thing in use as a trade mark before the passing of the principal Act, registration thereof as a trade mark under the principal Act shall have been refused, as is in the said Act thereafter mentioned:

And whereas by reason of the difficulties attending the registration of trade marks used in the textile industries it has been found impossible to complete the registration of such trade marks within the time specified by the said section, and it is therefore expedient to prolong such time as aforesaid:

Be it enacted, &c.:

1. *Extension of time for registration of trade marks used in textile industries.*] In so far as relates to the registration of trade marks used in the textile industries, but not further or otherwise, section one of the Trade Marks Registration Amendment Act, 1876, shall be construed as if for the words "from and after the first day of July one thousand eight hundred and seventy-seven" there were substituted the words "from and after the first day of January one thousand eight hundred and seventy-eight, or such further time as her Majesty may by Order in Council determine."

2. *Definition of "trade marks used in the textile industries."*] The expression in this Act "trade marks used in the textile industries" means the trade marks relating to goods comprised in classes 23 to 35, both inclusive, of the first schedule to the rules under the Trade Marks Registration Act, 1875—76, dated September 1876.

3. *Short title of Act.*] This Act may be cited for all purposes as the "Trade Marks Registration Extension Act, 1877," and this Act and the Trade Marks Registration Amendment Act, 1876, and the Trade Marks Registration Act, 1875, may be cited together as the "Trade Marks Registration Acts, 1875—77."

CAP. XXXVIII.

An Act to continue for One Year the Board of Education in Scotland.

[6th August, 1877.]

CAP. XXXIX.

An Act to amend the Factors' Acts. [10th August, 1877.]

Whereas doubts have arisen with respect to the true meaning of certain provisions of the Factors' Acts, and it is expedient to remove such doubts and otherwise to amend the said Acts, for the better security of persons buying or making advances on goods, or documents of title to goods, in the usual and ordinary course of mercantile business:

Be it enacted, &c.:

1. *Factors' Acts defined.*] In this Act, the expression "the principal Acts" means the following Acts; that is to say,

The Act of the 4th Geo. IV. (1823) c. 83.

The Act of the 6th Geo. IV. (1825) c. 94.

The Act of the 5th and 6th of her Majesty (1842), c. 39.

And the said Acts and this Act may be cited for all purposes as the "Factors' Acts, 1823 to 1877."

2. *Amendment of law with respect to secret revocation of entrustment or agency.*] Where any agent or person has been entrusted with and continues in the possession of any goods, or documents of title to goods, within the meaning of the principal Acts as amended by this Act, any revocation of his entrustment or agency shall not prejudice or affect the title or rights of any other person who, without notice of such revocation, purchases such goods, or makes advances upon the faith or security of such goods or documents.

3. *With respect to vendors permitted to retain documents of title to goods.*] Where any goods have been sold, and the vendor, or any person on his behalf continues or is in possession of the documents of title thereto, any sale, pledge, or other disposition of the goods or documents made by such vendor or any person or agent entrusted by the vendor with the goods or documents within the meaning of the principal Acts as amended by this Act so continuing or being in possession, shall be as valid and effectual as if such vendor or person were an agent or person entrusted by the vendee with the goods or documents within the meaning of the principal Acts as amended by this Act, provided the person to whom the sale, pledge, or other disposition is made has not notice that the goods have been previously sold.

4. *With respect to vendees permitted to have possession of documents of title to goods.*] Where any goods have been sold or contracted to be sold, and the vendee, or any person on his behalf, obtains the possession of the documents of title thereto from the vendor or his agents, any sale, pledge, or disposition of such goods or documents by such vendee so in possession or by any other person or agent entrusted by the vendee with the documents within the meaning of the principal Acts as amended by this Act shall be as valid and effectual as if such vendee or other person were an agent or person entrusted by the vendor with the documents within the meaning of the principal Acts as amended by this Act, provided the person to whom the sale, pledge, or other disposition is made has not notice of any lien or other right of the vendor in respect of the goods.

5. *With respect to transfers of documents of title.*] Where any document of title to goods has been lawfully indorsed or otherwise transferred to any person as a vendee or owner of the goods, and such person transfers such document by indorsement (or by delivery where the document is by custom, or by its express terms transferable by delivery, or makes the goods deliverable to the bearer) to a person who takes the same bona fide and for valuable consideration, the last-mentioned transfer shall have the same effect for defeating any vendor's lien or right of stoppage in transitu as the transfer of a bill of lading has for defeating the right of stoppage in transitu.

6. *Act not to be retrospective.*] This Act shall apply only to acts done and rights acquired [after the passing of this Act.]

CAP. XL.

An Act to amend the Form of Warrant of Execution on certain Extracts of Writs registered in the Books of Council and Session and Sheriff Court Books in Scotland; and to provide for the Authentication of certain Extracts of Writs. [10th August, 1877.]

CAP. XLI.

An Act for making Provision with respect to the Preparation and Authentication of Commissions and other Documents issued from the Office of the Clerk of the Crown in Chancery; and for other purposes. [10th August, 1877]

Be it enacted, &c. :

Preliminary.

1. *Short title of Act.*] This Act may be cited for all purposes as the Crown Office Act, 1877.

2. *Commencement of Act.*] This Act shall come into operation on the first day of January one thousand eight hundred and seventy-eight, which day is in this Act referred to as the commencement of this Act.

3. *Rules by Queen in Council as to language of documents to which Act applies.*] Her Majesty may, by Order in Council, make, and when made from time to time revoke, add to, or alter rules—

(1.) Prescribing the form in which documents to which this Act applies, or any of them, are to be worded; and

(2.) Making regulations as to the publication of Royal proclamations, and as to the towns to which copies of such proclamations are to be sent, and generally as to the best mode of making such proclamations known to the public:

Provided that—

(1.) Acts of or Bills in Parliament may in all cases be cited by their short titles; and

(2.) Whenever convenient, the enumeration of Acts of or Bills in Parliament, of names of persons, or other matters, shall be contained in a schedule or schedules, and in particular in the case of commissions of the peace the names of the justices shall, so far as seems to her Majesty convenient, be placed in a schedule with space for additions to be made of the names of justices to be appointed after the issue of such commission; and

(3.) Any Royal proclamation shall be valid in law if published as follows:

As respects England, in the London Gazette; and

As respects Scotland, in the Edinburgh Gazette;

and

As respects Ireland, in the Dublin Gazette.

Any rule purporting to be made in pursuance of this section shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not then sitting, within one month after the commencement of the then next session of Parliament, and shall be judicially noticed, and shall be of the same validity as if it had been enacted by Parliament.

4. *Wafer seals to be framed in certain cases.*] A committee of her Majesty's most Honourable Privy Council, consisting of the Lord Chancellor of Great Britain for the time being, the Lord Privy Seal for the time being, and one of her Majesty's Principal Secretaries of State (in this Act referred to as the Committee of Council), acting in case of difference according to the opinion of any two of them, may from time to time direct impressions with the same device as the Great Seal and of the Privy Seal to be taken in such manner and of such size or sizes as they may from time to time prescribe, on embossed paper, wax, wafer, or any other material; and any such impressions, in this Act respectively called a Wafer Great Seal and a Wafer Privy Seal, shall be in the same custody as the seals of which they are impressions, and when attached to or embossed on any document required to be or usually authenticated by or passed under the Great Seal or Privy Seal, shall confer on that document the same validity in all respects as if the document itself had been authenticated by or passed under the Great Seal or Privy Seal.

5. *Rules by Committee of Council as to preparation and authentication of documents to which Act applies.*] The

Committee of Council aforesaid, acting in case of difference according to the opinion of any two of them, may by order make, and when made from time to time revoke, add to, or alter rules—

(1.) Providing for a record to be kept at the Crown Office of all justices of the peace appointed in pursuance of any commission of the peace issued by her Majesty, and for the rectification of such record from time to time; and

(2.) Prescribing the documents to which the Wafer Great Seal and the Wafer Privy Seal respectively are to be attached; and

(3.) Prescribing the mode in which documents to which this Act applies are to be prepared, whether to be printed or written, or partly printed and partly written, and whether to be printed on paper, parchment, or any other fitting material: Provided that—

(a.) It shall not be necessary to the validity of any document to or on which a Wafer Great Seal or Wafer Privy Seal is attached or embossed to prove that the attachment or embossing of such wafer seals respectively was authorised, and no evidence to the contrary shall be received; and

(b.) Engrossing may in all cases be dispensed with, and, so far as seems to the Committee of Council convenient, printing shall be adopted in place of writing.

Any rule purporting to be made in pursuance of this section shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not then sitting, within one month after the commencement of the then next session of Parliament, and shall be judicially noticed, and shall be of the same validity as if it had been enacted by Parliament.

6. *General saving.*] Nothing in this Act shall abridge or affect the prerogative of the Crown in relation to the grant or withholding the grant of any document.

7. *Definitions.*] In this Act, if not inconsistent with the context, the following expressions have the meanings herein-after respectively assigned to them:

"Great Seal" means the Great Seal of the United Kingdom:

"Document to which this Act applies" means any writ, commission, letters patent, letters close, or document of such a character, or belonging to such a class, as would at the date of the passing of this Act, be required to be or usually would be authenticated by being passed under the Great Seal.

"Crown Office" means the office of the Clerk of the Crown in Chancery.

CAP. XLII.

An Act to amend the Law relating to the Fisheries of Oysters, Crabs, and Lobsters, and other Sea Fisheries. [10th August, 1877.]

Be it enacted, &c. :

Preliminary.

1. *Short title.*] This Act may be cited as the Fisheries (Oyster, Crab, and Lobster) Act, 1877.

2. *Commencement of Act.*] This Act shall come into operation on the first day of September one thousand eight hundred and seventy seven (which day is in this Act referred to as the commencement of this Act).

PART I.

Oysters.

3. *This part of Act not to apply to Ireland.*] This part of this Act shall not apply to Ireland or to any oyster bed or bank within the jurisdiction of the Inspectors of Irish Fisheries.

4. *Prohibition on sale of oysters between certain dates.*] A person shall not sell, expose for sale, consign for sale, or buy for sale,—

(1.) Any oysters known at the passing of this Act in the oyster trade as "deep-sea-oysters," between the fifteenth day of June in any year and the following fourth day of August; or

(2.) Any description of oysters other than those aforesaid, between the fourteenth day of May in any year and the following fourth day of August.

Every person who acts in contravention of this section shall be liable to a fine not exceeding two pounds for the first offence, and ten pounds for the second or any subsequent offence, and also to forfeit all oysters exposed for sale, consigned for sale, or bought for sale in contravention of this section:

Provided that a person shall not be guilty of an offence under this section if he satisfies the court that the oysters alleged to have been sold, exposed for sale, consigned for sale, or bought for sale,—

- (1.) Were taken within the waters of some foreign State; or
- (2.) Were preserved in tins or otherwise cured; or
- (3.) Were intended for the purpose of oyster cultivation within the same district in which the oysters were taken, or were taken from any place for cultivation with the sanction of the Board of Trade; and for this purpose the Thames estuary, bounded by a line drawn from Orford Ness to the North Foreland, shall be deemed to be a district, and also any other area for the time being constituted a district for the purposes of this section by an order of the Board of Trade, and also where the place at which the oysters are taken is not within any such district as aforesaid, so much of the area within ten miles of the said place where the oysters are taken as is not included in any other such district as aforesaid, and the Board of Trade may from time to time make, and when made revoke or vary, an order for the purposes of this section.

5. *Power to Board of Trade on local application to temporarily prohibit or restrict dredging for oysters on certain banks*—[31 & 32 Vict. c. 45.] The Board of Trade, on such application as is in this part of this Act mentioned, and after such public inquiry and notice as they think expedient, may, if they think fit, by order restrict or prohibit during a limited period not exceeding one year, either entirely or subject to any exceptions and regulations, the dredging for and taking of oysters on any oyster bank or bed, and may by such order provide for enforcing the order, and any prohibition, restriction, or regulation contained therein, by fines not exceeding twenty pounds for each offence.

The Board of Trade by order may from time to time renew, for a period not exceeding one year, or vary, an order under this section, and may at any time revoke the same.

Nothing in such order shall apply to a several right of fishery in any oyster bed or bank, or to any bed or bank of oysters which has been or shall hereafter be the subject of a grant or regulation order under part III. of "The Sea Fisheries Act, 1868," or any Acts amending the same.

6. *Persons entitled to apply to Board of Trade under this part of Act.*—An application to the Board of Trade for an order under this part of this Act may be made by any persons appearing to the Board of Trade to represent the fishermen of any locality, or by any of the following authorities, if they appear to the Board of Trade to be locally interested in the fisheries; namely,

- (1.) The justices of a county in general or quarter sessions assembled;
- (2.) A town council or other urban sanitary authority;
- (3.) A rural sanitary authority; and
- (4.) Any body corporate, persons or person being or claiming to be proprietors or proprietor of or intrusted with the duty of improving, managing, maintaining, or regulating any harbour.

7. *Order relating to oyster fishery under 31 & 32 Vict. c. 45 when subjected to take effect on confirmation by Order in Council.*—Where an order of the Board of Trade, under part III. of the Sea Fisheries Act, 1868, either is limited to the grant of a right of fishery for a period not exceeding twenty-one years over an area not exceeding five acres, or amends a previous order without extending the area to which that order applies, and a petition against the order by any local authority or persons affected thereby is not within one month after the first publication of the order received by the Board of Trade, or if received is withdrawn, the Board of Trade may, if they think fit, submit the scheme for confirmation to her Majesty in Council, and every such order, if confirmed by her Majesty in Council, shall have full operation as if it had been confirmed by Parliament as provided by the Sea Fisheries Act, 1868:

Provided that her Majesty in Council may at any time, on the representation of the Board of Trade, cancel the order, and the grantees under the order shall not be entitled to any compensation in respect of such cancellation, or of any expenses they may have incurred in acting or with a view to act under the order.

PART II.

Crabs and Lobsters.

8. *Prohibition on sale of edible crabs under a certain size.*—A person shall not take, have in his possession, sell, expose for sale, consign for sale, or buy for sale,—

- (1.) Any edible crab which measures less than four inches and a quarter across the broadest part of the back; or
- (2.) Any edible crab carrying any spawn attached to the tail or other exterior part of the crab, whether known as "berried crab," "seed crab," "spawn crab," or "ran crab," or by any other name; or
- (3.) Any edible crab which has recently cast its shell, whether known as "caster," "white crab," "white-footed crab," "white-livered crab," "soft crab," "glass crab," or by any other name.

Every person who acts in contravention of this section shall be liable to a fine not exceeding two pounds for the first offence, and ten pounds for the second and every subsequent offence, and to forfeit all edible crabs exposed for sale, consigned for sale, or bought for sale in contravention of this section:

Provided that a person shall not be guilty of an offence under this section if he satisfies the court that the edible crabs found in his possession or alleged to have been sold, exposed for sale, consigned for sale, or bought for sale, were intended for bait for fishing.

9. *Prohibition on sale of lobsters under a certain size.*—A person shall not take, have in his possession, sell, expose for sale, consign for sale, or buy for sale any lobster which measures less than eight inches from the tip of the beak to the end of the tail when spread as far as possible flat.

Every person who acts in contravention of this section shall be liable to a fine not exceeding two pounds for the first offence, and ten pounds for the second and every subsequent offence, and to forfeit all lobsters found in his possession, sold, exposed for sale, consigned for sale, or bought for sale in contravention of this section.

10. *Power on local application to prohibit or restrict the taking of crabs and lobsters in certain areas.*—The Board of Trade, after such public inquiry and notice as they think expedient, may, if they think fit, from time to time, by order restrict or prohibit, either entirely or subject to any exceptions and regulations, the fishing for and taking of edible crabs and lobsters, or either of them, or any description of them or either of them, within the area named in the order, during such period of years or during such period either in every year or in such number of years as may be limited by the order, and may by the order provide for enforcing the order, and any prohibition, restriction, or regulation contained therein, by fines not exceeding twenty pounds for each offence.

The Board of Trade by order may from time to time vary, and at any time revoke, an order under this section.

Nothing in such order shall apply to a several right of fishery.

The powers of the Board of Trade under this section shall, as regards any area within the jurisdiction of the Inspectors of Irish Fisheries, be vested in and exercised by those inspectors with the approval of the Lord Lieutenant or other chief governor or governors of Ireland.

PART III.

Supplemental.

11. *Prosecution of offences and recovery of fines.*—All offences against this Act, or against any order made in pursuance of this Act, may be prosecuted, and all fines under this Act or any such order may be recovered on summary conviction before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

For all purposes of and incidental to the prosecution of any such offence, or the recovery of any such fine, and the proceedings and matters preliminary and incidental thereto, and consequential thereon, and for all purposes of and incidental to the jurisdiction of any court or of any constable

or officer with reference to such offence, the offence shall be deemed to have been committed either in the place in which it was actually committed, or in any place in which the offender may for the time being be found.

All fines recovered under this Act in any of the Channel Islands shall be paid to the receiver general of the island in which they are recovered.

12. *Search for and seizure of oysters, crabs, and lobsters illegally exposed for sale.* All oysters, crabs, and lobsters of which the possession, exposure for sale, consignment for sale, or purchase for sale is prohibited by this Act, may be searched for, seized, condemned, destroyed, and disposed of by any authority lawfully acting under any Act, charter, or by-law, or by any persons appointed by that authority, or in Ireland by the Inspectors of Irish Fisheries, with the approval of the Lord Lieutenant, in like manner as if such oysters, crabs, and lobsters respectively were found to be diseased, unsound, unwholesome, corrupt, unfit to be sold, or unfit for the food of man.

13. *Definitions*—27 & 28 Vict. c. 53—14 & 15 Vict. c. 93—32 & 33 Vict. c. 92.] In this Act—

The expression "Summary Jurisdiction Acts" means,—

- (1.) As regards England, the Act of the session of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three, intitled "An Act to facilitate the performance of the duties of Justices of the Peace out of sessions within England and Wales, with respect to Summary Convictions and Orders," and any Act amending the same; and
- (2.) As regards Scotland, the Summary Procedure (Scotland) Act, 1864; and
- (3.) As regards Ireland, with reference to any matter or proceeding in the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for or the police of such district, and with reference to any matter or proceeding elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same; and
- (4.) As regards the Isle of Man and the Channel Islands, the law relating to offences and fines, and proceedings therefor.

The expression "court of summary jurisdiction" means,—

- (a.) As regards England and Ireland, any justice or justices of the peace to whom jurisdiction is given by the Summary Jurisdiction Acts; provided that the court, when hearing and determining an information or complaint under this Act, shall be constituted either of two or more justices of the peace in petty sessions sitting at some place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice; and
- (b.) As regards Scotland, the sheriff or his substitute; and
- (c.) As regards the Isle of Man and the Channel Islands, any court, governor, deputy governor, deemster, jurat, or other magistrate before whom offences and fines are by law prosecuted and recovered.

The expression "Inspectors of Irish Fisheries" means the inspectors of fisheries acting in execution of the Fisheries (Ireland) Act, 1869.

The expression "person" includes a body corporate.

14. *Application of Act to Isle of Man and Channel Islands.* This Act shall apply to the Isle of Man and the Channel Islands, and the Royal courts of the Channel Islands are hereby respectively authorised and required to register this Act.

15. *Temporary revival of 6 & 7 Vict. c. 79—31 & 32 Vict. c. 45.* Notwithstanding anything contained in the Sea Fisheries Act, 1868, the Act of the sixth and seventh years of the reign of her present Majesty, chapter seventy-nine, intitled "An Act to carry into effect a Convention between her Majesty and the King of the French concerning the Fisheries in the Sea between the British Islands and France," so far as regards French fishermen and French sea fishing boats, shall be in force as if it had not been repealed, and shall con-

tinue in force until the day when the convention set out in the first schedule to the Sea Fisheries Act, 1868, comes into operation.

16. *Repeal of 39 & 40 Vict. c. cli.* The Crab and Lobster Fisheries (Norfolk) Act, 1876, is hereby repealed, without prejudice to anything done or suffered in pursuance of that Act.

CAP. XLIII.

An Act to amend the Law with respect to the Appointment, Payment, and Fees of Clerks of Justices of the Peace and Clerks of Special and Petty Sessions.

[10th August, 1877.]

14 & 15 Vict. c. 55.] Whereas by section nine of the Act of the session of the fourteenth and fifteenth years of the reign of her present Majesty, chapter fifty-five, intitled "An Act to amend the law relating to the expenses of prosecutions, and to make further provision for the apprehension and trial of offenders in certain cases," (in this Act referred to as "the principal Act,") it is provided that one of her Majesty's Principal Secretaries of State, (in this Act referred to as a Secretary of State), upon the recommendation of the justices, council, or other governing body as therein mentioned, (in this Act referred to as "the local authority,") may, by order, direct that the clerks of special and petty sessions and the clerks of justices of the peace within the jurisdiction of such local authority, or any of such clerks, are to be paid by salaries in lieu of fees and other payments, and fix the amount of salary so to be paid:

And whereas by the same Act the Secretary of State is authorised, on the recommendation of the local authority as therein mentioned, to order that certain business specified in the recommendation should not be included in fixing the salary of any clerk, and that such clerk should be paid for that business (in this Act referred to as excepted business) by fees and not by salary:

And whereas it is expedient to provide that all the said clerks should be paid by salary in lieu of fees, and to provide for the qualification, appointment, and fees of the said clerks:

Be it enacted, &c.:

1. *Short title.* This Act may be cited as the Justices Clerks Act, 1877.

2. *Payment of clerks at petty sessions, &c., by salary under 14 & 15 Vict. c. 55, s. 9, made compulsory.* Where at the passing of this Act an order under the principal Act is not in force for the payment by salary in lieu of fees of any clerk of special or petty sessions or clerk of justices of the peace within the jurisdiction of any local authority, that local authority shall, as soon as may be after the passing of this Act, and in any case before the first day of February one thousand eight hundred and seventy-eight, make a recommendation to a Secretary of State in pursuance of the principal Act with respect to the payment of such clerk by salary in lieu of fees, and the Secretary of State shall make an order directing such payment; and if, in the case of any of the said clerks, such recommendation as enables a Secretary of State to make an order under the principal Act is not received by the Secretary of State before the said first day of February, the Secretary of State shall, in like manner (so nearly as circumstances admit) as if such recommendation had been duly made, make an order under the principal Act, directing the payment of such clerk by salary in lieu of fees for all business (other than the business of giving copies of depositions if that business is excepted by the order) and fixing the amount of the salary.

Every such salary may, if it is thought fit, be made to vary according to the number of cases or amount of business.

Subject as aforesaid, every such salary shall be deemed to accrue from day to day and shall be paid quarterly or at such less intervals as may be from time to time fixed by the local authority.

3. *Provision as to clerks of petty sessions partly paid by salary under 14 & 15 Vict. c. 55, ss. 9, 10, or paid under a special Act.* Where at the passing of this Act an order is in force under the principal Act for the payment of any clerk of special or petty sessions or clerk of justices of the peace by salary in lieu of fees, but an order has been made that such clerk should be paid for certain excepted business (other than that of giving copies of depositions) by fees and

not by salary, this Act shall, so far as is consistent with the tenour thereof, apply, as regards the fees for the excepted business, in like manner as it applies where an order is not in force for the payment of a clerk by salary in lieu of fees.

Where any such clerk as aforesaid is, in pursuance of any Act of Parliament (other than the principal Act), paid by salary in lieu of fees, either for all business, or for all business other than that of giving copies of depositions, that clerk shall continue to be paid by salary in lieu of fees for all such business, and a recommendation need not be made with respect to such clerk in pursuance of this Act.

4. *Provision as to clerk of petty sessions, &c., paid by salary by arrangement.* Where at the passing of this Act any clerk of special or petty sessions or clerk of justices of the peace is by arrangement paid by salary in lieu of fees, either for all business, or for all business other than that of giving copies of depositions, that clerk shall continue to be paid by salary in lieu of fees for all such business, and unless a Secretary of State requires a recommendation to be made with respect to such clerk in pursuance of this Act, such arrangement shall have effect as if it were an order of the Secretary of State under the principal Act, and this Act shall apply accordingly.

5. *Appointment of one salaried clerk only in a petty sessional division.* In each petty sessional division there shall after the first day of February one thousand eight hundred and seventy-eight, or any later date at which an order for the payment of a clerk by salary in lieu of fees comes into operation in the division, be only one salaried clerk in the division to perform the duties of clerk of petty sessions, clerk of special sessions, or clerk of any justice or justices of the peace:

Provided that—

- (1) Where special or petty sessions are usually held at more than one place appointed for the purpose in a petty sessional division, there may, if it seem fit, be a separate salaried clerk appointed in respect of each such place; and
- (2) Where a Secretary of State has fixed the amount of the salary for one salaried clerk in a division, and there are, at the passing of this Act, two clerks, each of whom performs the duties of clerk of petty sessions and clerk of special sessions in that division, the local authority may, if they think fit, continue such existing clerks in office, and apportion the salary between those clerks in such manner as they think just; and
- (3) Where any partners have before the passing of this Act jointly performed the duties of clerk of petty sessions or clerk of special sessions, the local authority may, if they think fit, continue such existing clerks in office and pay the salary to such clerks jointly.
- (4) A Secretary of State, on the application of the local authority, may, if he thinks fit, authorise in any case the appointment of more than one salaried clerk.

The salaried clerk (in this Act referred to as a clerk of a petty sessional division) shall be appointed from time to time by the justices acting in and for the petty sessional division in which he is clerk, assembled in special sessions, and shall hold his office during the pleasure of those justices.

Where there is a salaried clerk of a petty sessional division, any fees which may be received by a clerk of special sessions, clerk of petty sessions, or clerk of a justice of the peace in that division, shall not be received by such clerk for his own use, but shall be received, paid, and accounted for as directed by section eleven of the principal Act, or by any Act specially relating to such clerk.

Nothing in this section shall apply to, or to the fees of, either a clerk of a metropolitan police court, or a clerk to the justices of a borough, or a clerk to a stipendiary or other magistrate whose salary is regulated under any Act of Parliament other than the principal Act.

In the case of the town and county of Haverfordwest, the justices of the peace for the said town and county in quarter sessions assembled, and not the town council thereof, shall be the local authority to carry out the provisions of the principal Act and this Act, and the salary for the time being payable to the clerk of the justices of the

said town and county under their order shall be paid out of the county rate thereof, and all fees received by such clerk after the making of such order shall be paid to the treasurer of the said town and county in aid of the county rate thereof, and shall be accounted for by such treasurer from time to time as the justices so assembled as aforesaid may direct.

6. *Payment to treasurer of county or borough of unclaimed penalties and other sums.* All penalties, costs, and sums which, in pursuance of a conviction or order by a justice or justices of the peace, are paid to a clerk of a petty sessional division, or a clerk of special sessions, or a clerk of petty sessions, or a clerk of any justice or justices of the peace, and are not actually paid by him to the party or parties by law entitled thereto, other than the treasurer herein-after mentioned, shall be paid to the treasurer of the county, riding, division, liberty, city, borough, or place for which such justice or justices acted, subject nevertheless to be paid by such treasurer, to any party showing himself to be by law entitled thereto.

Every such clerk shall account for and pay over all penalties, costs, and sums payable to any such treasurer, under this or any other Act, at such times and in such manner as may be from time to time directed by the justices or council who appointed that treasurer, and if he wilfully omits to account for or pay over any such penalty, costs, or sum, he shall forfeit for every such omission twenty pounds, to be recovered by action of debt by any person who may sue for the same.

7. *Qualification of salaried clerk of petty sessional division and justices of a borough.* Every clerk appointed after the passing of this Act to be a salaried clerk of a petty sessional division, or to be clerk to the justices of a borough, shall either—

- (1) Be a barrister of not less than fourteen years standing; or,
- (2) Be a solicitor to the Supreme Court of Judicature; or,
- (3) Have served for not less than seven years as a clerk to a police or stipendiary magistrate, or to a metropolitan police court, or to one of the police courts of the City of London.

Provided that a person who for not less than fourteen years has served as or as assistant to either a clerk of petty sessional division, or a clerk to the justices of a borough, or (in the case of service before the passing of this Act) a clerk of special or petty sessions, or a clerk of a justice or justices of the peace, may be appointed salaried clerk of a petty sessional division, or clerk to the justices of a borough, in any case in which in the opinion of the justices empowered to make the appointment there are special circumstances rendering such appointment desirable; provided also, that no person being clerk of the peace or deputy clerk of the peace for a county or borough, or a partner of such clerk or deputy clerk, shall be salaried clerk of a petty sessional division or clerk to the justices of a borough within such county; but this proviso shall not apply to any clerk of the peace or deputy clerk of the peace or partner of such clerk or deputy clerk holding and executing in person at the time of the passing of this Act the office of clerk to the justices of any petty sessional division of a county, or clerk to the justices of a borough.

8. *Power of local authority and Secretary of State as to table of fees and adjustment of fees in proportion to salary of clerks—11 & 12 Vic. c. 43.* Whereas by section thirty of the Act of the session of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three, intitled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," provision is made for the making of tables of the fees to be paid to the clerks of special and petty sessions, and to the clerks of justices of the peace, and it is expedient to make such further provision as is herein-after mentioned concerning the same; be it therefore enacted as follows:

The said section thirty is hereby repealed so far as relates to clerks of special and petty sessions and clerks of justices of the peace without prejudice to anything done in pursuance of that section.

Where it appears to a local authority that the aggregate amount received by the treasurer of that authority in respect of court fees unduly exceeds or unduly falls below the aggregate amount paid by that authority by way of

salary to the clerks of petty sessional divisions, or in the case of a borough to the clerk to the justices of the borough, or that otherwise it is expedient so to do, the local authority may make a table of the court fees which in their opinion should be taken, and shall cause such table, signed by the chairman, mayor, or other presiding officer of the local authority, to be laid before a Secretary of State, and a Secretary of State may, if he think fit, alter such table of fees and settle the same (having due regard to the relation of the aggregate amounts so received and paid as aforesaid), and certify that the fees in the table as settled by him are proper to be taken within the jurisdiction of the said local authority.

Where complaint is made to a Secretary of State that the aggregate amount received by the treasurer of a local authority in respect of court fees unduly exceeds or unduly falls below the aggregate amount paid by that authority by way of salary as aforesaid, or that for other reasons it is expedient that the table of court fees should be revised, he may, if he think fit, by order, require the local authority to make a return to him within the time specified in the order of the aggregate amount so received and paid during three years previous to the order, or of the table of court fees in force for the time being, as the case may be, and if, on receiving such return, or on the failure of the local authority to make the return, he is, after making such inquiry as he thinks proper, satisfied of the truth of the complaint, he may, by order, require the local authority to make and lay before him, within the time (not being less than four months from the date of the order) specified in the order, a table of court fees in pursuance of this section, and if the local authority fail to comply with the order, he may, in like manner (so nearly as circumstances admit) as if the local authority had laid before him a table of fees in pursuance of this section, settle a table of fees and certify that the fees in that table are proper to be taken within the jurisdiction of the said local authority.

A Secretary of State, upon certifying a table of fees in pursuance of this section, shall cause copies thereof to be sent to the clerk of the local authority to be by him distributed to the clerks of petty sessional divisions and clerks to justices within the jurisdiction of that authority, and if at any time thereafter any of those clerks or any other person wilfully demands or receives any other or greater court fee than such as is set down in the said table, he shall forfeit for every such demand or receipt twenty pounds, to be recovered by action of debt by any person who may sue for the same.

Until a table is made in pursuance of this section, any of the said clerks may demand and receive such fees as he is at the passing of this Act lawfully authorised to demand and receive.

The expression "court fee" in this section means any fee, gratuity, or sum which may by law be demanded or received in respect of any business or act transacted or done by a clerk of special or petty sessions or a clerk of justices of the peace as such clerk, notwithstanding that by reason of such clerk being paid by salary, or of the provisions of this Act, he cannot receive the same for his own use, and includes fees for the giving of copies of depositions by any clerk mentioned in this section, whether received for his own use or not.

9. *Account of fees by clerk.* The account of fees required by section eleven of the principal Act, as amended by this Act, to be rendered by any clerk shall be rendered quarterly, or at any less interval directed by the local authority, and if any clerk wilfully omits from any such account any fee received by him he shall forfeit for every such omission twenty pounds, to be recovered by action of debt by any person who may sue for the same.

10. *Construction of Act, and repeal of part of 14 & 15 Vict. c. 55.* This Act shall, so far as is consistent with the tenour thereof, be construed as one with the principal Act; and so much of sections nine and ten of the principal Act as empowers a Secretary of State to direct that a clerk be paid by fees in lieu of salary (either generally or in respect of excepted business) is hereby repealed.

CAP. XLIV.

An Act to make provision respecting the Superannuation Allowance of Officers whose Salaries were formerly payable out of the Mercantile Marine Fund.

[10th August, 1877.]

CAP. XLV.

An Act to limit and regulate the Treasury Chest Fund.
[10th August, 1877.]

CAP. XLVI.

An Act to extend the provisions of the Winter Assizes Act, 1876.
[10th August, 1877.]

Be it enacted, &c.:

1. *Amendment of 39 & 40 Vict. c. 57.* The Winter Assizes Act, 1876, shall take effect as if, wherever in that Act the month of November is mentioned, there were added the months of September and October.

2. *Short title.* This Act may be cited as the Winter Assizes Act, 1877; and the Winter Assizes Act, 1876, and this Act, may be cited together as the Winter Assizes Acts, 1876 and 1877.

CAP. XLVII.

An Act for the Union under one Government of such of the South African Colonies and States as may agree thereto, and for the Government of such Union; and for purposes connected therewith.

[13th August, 1877.]

CAP. XLVIII.

An Act to make further Provision respecting the Universities of Oxford and Cambridge and the Colleges therein.
[10th August, 1877.]

Whereas the revenues of the Universities of Oxford and Cambridge are not adequate to the full discharge of the duties incumbent on them respectively, and it is therefore expedient that provision be made for enabling or requiring the colleges in each university to contribute more largely out of their revenues to university purposes, especially with a view to further and better instruction in art, science, and other branches of learning, where the same are not taught, or not adequately taught, in the university:

And whereas it may be requisite for the purposes aforesaid, as regards each university, to attach fellowships and other emoluments held in the colleges to offices in the university:

And whereas it is also expedient to make provision for regulating the tenure and advantages of fellowships not so attached, and for altering the conditions on which the same are held, and to amend in divers other particulars the law relating to the universities and colleges:

Be it therefore enacted, &c.:

Preliminary.

1. *Short titles.* This Act may be cited as the Universities of Oxford and Cambridge Act, 1877; and the Acts described in the schedule to this Act may respectively be cited by the short titles therein mentioned.

2. *Interpretation.* In this Act—

"The university" means the University of Oxford and the University of Cambridge respectively, or one of them separately (as the case may require):

"The senate" means the senate of the University of Cambridge:

"College" means a college in the university, and includes the Cathedral or House of Christ Church in Oxford:

"Hall" means one of the following halls, namely, St. Mary Hall, St. Edmund Hall, St. Alban Hall, New Inn Hall, in the University of Oxford:

"The governing body" of a college means, as regards the colleges in the University of Oxford, except Christ Church, the head and all actual fellows of the college, being graduates, and as regards Christ Church means the dean, canons, and senior students:

"The governing body" of a college means, as regards the colleges in the University of Cambridge, except Downing College, the head and all actual fellows of the college, bye-fellows excepted, being graduates and as regards Downing College, the head, professors, and all actual fellows thereof, bye-fellows excepted, being graduates:

"Emolument" includes—

- (1) A headship, professorship, lectureship, readership, prælectorship, fellowship, bye-fellowship, tutorship, senior studentship, scholarship, junior studentship, exhibition, demyship, postmastership, taberdarship, Bible clerkship, servitorship, sizarship, sub-sizarship, or other place in the university or a college, or hall, having attached thereto an income payable out of the revenues of the university or of a college or hall, or being a place to be held and enjoyed by a head or other member of a college or hall as such, or having attached thereto an income to be so held and enjoyed, arising wholly or in part from an endowment, benefaction, or trust; and
 - (2.) The income aforesaid, and all benefits and advantages of every nature and kind belonging to the place, and any endowment belonging to, or held by, or for the benefit of, or enjoyed by, a head or other member of a college or hall as such, and any fund, endowment, or property held by or on behalf of the university or a college or hall, for the purpose of advancing, rewarding, or otherwise providing for any member of the university or college or hall, or of purchasing any advowson, benefice, or property to be held for the like purpose, or to be in any manner applied for the promotion of any such member; and
 - (3.) As regards the University of Oxford a bursary appropriated to any college in Scotland:
- 34 & 35 Vict. c. 26.] "Office" has the same meaning in the sections in which "The Universities Tests Act, 1871," is mentioned as it has in that Act:
- "School" means a school or other place of education beyond the precincts of the university, and includes a college in Scotland:
- "Professor" includes regius and other professor, and reader, and teacher; and "professorship" includes their several offices:
- "Advowson" includes right of patronage, exclusive or alternate:
- "The Charity Commissioners" means the Charity Commissioners for England and Wales:
- "The Secretary of State" means one of her Majesty's Principal Secretaries of State.

Commissioners.

3. *Bodies of commissioners.*] There shall be two bodies of commissioners styled respectively the University of Oxford Commissioners and the University of Cambridge Commissioners.

The provisions of this Act referring to the commissioners shall be construed to apply to those two bodies respectively, or to one of those two bodies separately, as the case may require.

4. *Nomination of Oxford Commissioners.*] The following persons are hereby nominated the University of Oxford Commissioners:

The Right Honourable Roundell, Baron Selborne.
The Right Honourable John Thomas, Earl of Redesdale.
The Right Honourable Mountague Bernard, Doctor of Civil Law.
The Honourable Sir William Robert Grove, one of the justices of her Majesty's High Court of Justice.
The Reverend James Bellamy, Doctor of Divinity, President of St. John's College.
Henry John Stephen Smith, Master of Arts, Savilian Professor of Geometry.
Matthew White Ridley, Esquire, Master of Arts.

5. *Nomination of Cambridge Commissioners.*] The following persons are hereby nominated the University of Cambridge Commissioners:

The Right Honourable Sir Alexander James Edmund Cockburn, Baronet, Lord Chief Justice of England.
The Right Reverend Henry, Lord Bishop of Worcester.
The Right Honourable John William, Lord Rayleigh.
The Right Honourable Edward Pleydell Bouverie.
The Reverend Joseph Barber Lightfoot, Doctor of Divinity, Lady Margaret Professor of Divinity.
George Gabriel Stokes, Master of Arts, Lucasian Professor of Mathematics.
George Wigram Hemming, one of her Majesty's Counsel, Master of Arts.

6. *Vacancies among commissioners.*] If any person nominated a commissioner by this Act dies, resigns, or becomes incapable of acting as a commissioner, it shall be lawful for her Majesty the Queen to appoint a person to fill his place; and so from time to time as regards every person appointed under this section: Provided that the name of every person so appointed shall be laid before the Houses of Parliament within ten days after the appointment, if Parliament is then sitting, or if not, then ten days after the next meeting of Parliament.

Duration: Proceedings.

7. *Duration of commissions.*] The powers of the commissioners shall continue until the end of the year one thousand eight hundred and eighty, and no longer; but it shall be lawful for her Majesty the Queen, from time to time, with the advice of her Privy Council, on the application of the commissioners, to continue the powers of the commissioners for such time as her Majesty thinks fit, but not beyond the end of the year one thousand eight hundred and eighty-one.

8. *Chairmen and meetings of commissioners.*] The commissioner first named in this Act, as regards each of the two bodies of commissioners, shall be the chairman of the respective body of commissioners; and in case of his ceasing from any cause to be a commissioner, or of his absence from any meeting, the commissioners present at each meeting shall choose a chairman.

The powers of the commissioners may be exercised at a meeting at which three or more commissioners are present.

In case of an equality of votes on a question at a meeting, the chairman of the meeting shall have a second or casting vote in respect of that question.

9. *Seals of commissioners.*] The commissioners shall have a common seal, and the same shall be judicially noticed.

10. *Vacancies not to invalidate acts.*] Any act of the commissioners shall not be invalid by reason only of any vacancy in their body; but if at any time, and as long as, the number of persons acting as commissioners is less than four, the commissioners shall discontinue the exercise of their powers.

Statutes for University and Colleges.

11. *Power for university and colleges to make statutes.*] Until the end of the year one thousand eight hundred and seventy-eight, the university and the governing body of a college shall have the like powers in all respects of making statutes for the university or the college respectively, and of making statutes for altering or repealing statutes made by them, as are, from and after the end of that year, conferred on the commissioners by this Act; but every statute so made shall, before the end of that year, be laid before the commissioners, and the same, if approved before or after the end of that year by the commissioners by writing under their seal, but not otherwise, shall, as regards the force and operation of the statute, and as regards proceedings prescribed by this Act to be taken respecting a statute made by the commissioners after (but not before) the statute is made, be deemed to be a statute made by the commissioners.

If within one month after a statute so made by a college is laid before the commissioners, a member of the governing body of the college makes a representation in writing to the commissioners respecting the statute, the commissioners, before approving of the statute, shall take the representation into consideration.

In considering a statute so made by a college, the commissioners shall have regard to the interests of the university and the colleges therein as a whole.

The commissioners shall not approve a statute so made by a college until they have published, in such form as to them may seem fit, a statement with respect to the main purposes relative to the university for which, in their opinion, provision should be made under this Act, the sources from which funds for those purposes should be obtained, and the principles on which payments from the colleges for those purposes should be contributed; but nothing in this provision or in any statement published thereunder shall prevent the commissioners from exercising

ing from time to time according to their discretion the powers and performing the duties conferred and imposed on them by this Act.

12. *Power for commissioners to make statutes for university and colleges and halls.*] From and after the year one thousand eight hundred and seventy-eight, the commissioners may by virtue of this Act, and subject and according to the provisions thereof, make, by writing under their seal, statutes for the university and for any college or hall, and for altering or repealing statutes made by the commissioners, and may exercise those powers from time to time with reference to the university and to any college or hall.

13. *Limitation of fifty years.*] The commissioners shall not make a statute altering the trusts, conditions, or directions affecting a university or college emolument if the original charter, deed of composition, or other instrument of foundation thereof, not being an Order in Council made under, or a statute or ordinance having effect under, any Act mentioned in the schedule to this Act, was made or executed within fifty years before the passing of this Act; but nothing in this section shall prevent the commissioners from making a statute increasing the endowment of any university or college emolument, or otherwise improving the position of the holder thereof.

14. *Regard to main design of founder.*] The commissioners, in making a statute affecting a university or college emolument, shall have regard to the main design of the founder, except where the same has ceased to be observed before the passing of this Act, or where the trusts, conditions, or directions affecting the emolument have been altered in substance by or under any other Act.

15. *Provision for education, religion, &c.*] The commissioners, in making a statute for the university or a college or hall, shall have regard to the interests of education, religion, learning, and research, and in the case of a statute for a college or hall shall have regard, in the first instance, to the maintenance of the college or hall for those purposes.

16. *Objects of statutes for university.*] With a view to the advancement of art, science, and other branches of learning, the commissioners, in statutes made by them for the university, may from time to time make provision for the following purposes, or any of them:

- (1.) For enabling or requiring the several colleges, or any of them, to make contribution out of their revenues for university purposes, regard being first had to the wants of the several colleges in themselves for educational and other collegiate purposes:
- (2.) For the creation, by means of contributions from the colleges or otherwise of a common university fund, to be administered under the supervision of the university:
- (3.) For making payments under the supervision of the university, out of the said common fund for the giving of instruction, the doing of work, or the conducting of investigations within the university in any branch of learning or inquiry connected with the studies of the university:
- (4.) For consolidating any two or more professorships or lectureships:
- (5.) For erecting and endowing professorships or lectureships:
- (6.) For abolishing professorships or lectureships:
- (7.) For altering the endowment of any professorship or lectureship:
- (8.) For altering the conditions of eligibility or appointment and mode of election or appointment to any professorship or lectureship, and for limiting the tenure thereof:
- (9.) For providing retiring pensions for professors and lecturers:
- (10.) For providing new or improving existing buildings, libraries, collections, or apparatus for any purpose connected with the instruction of any members of the university, or with research in any art or science or other branch of learning, and for maintaining the same:
- (11.) For diminishing the expense of university education

by founding scholarships tenable by students either at any college or hall within the university, or as unattached students, not members of any college or hall, or by paying salaries to the teachers of such unattached students, or by otherwise encouraging such unattached students:

- (12.) For founding and endowing scholarships, exhibitions, and prizes for encouragement of proficiency in any art or science or other branch of learning:
- (13.) For modifying the trusts, conditions, or directions of or affecting any university endowment, foundation, or gift, or of or affecting any professorship, lectureship, scholarship, office, or institution, in or connected with the university, or of or affecting any property belonging to or held in trust for the university or held by the university in trust for a hall, as far as the commissioners think the modification thereof necessary or expedient for giving effect to statutes made by them for any purpose in this Act mentioned:
- (14.) For regulating presentations to benefices in the gift of the university:
- (15.) For regulating the application of the purchase money for any advowson sold by the university:
- (16.) For founding any office not paid out of university or college funds in connection with any special educational work done out of the university under the control of the university, and for remunerating any secretary or officer resident in the university and employed there in the management of any such special educational work:
- (17.) For altering or repealing any statute, ordinance, or regulation of the university, and substituting or adding any statute for or to the same.

17. *Objects of statutes for colleges in themselves.*] The commissioners, in statutes made by them for a college, may from time to time make provision for the following purposes relative to the college, or any of them:

- (1.) For altering and regulating the conditions of eligibility or appointment, including where it seems fit those relating to age, to any emolument or office held in or connected with the college, the mode of election or appointment thereto, and the value, length, and conditions of tenure thereof, and for providing a retiring pension for a holder thereof:
- (2.) For consolidating any two or more emoluments held in or connected with the college:
- (3.) For dividing, suspending, suppressing, converting, or otherwise dealing with any emolument held in or connected with the college:
- (4.) For attaching any emolument held in or connected with the college to any office in the college, on such tenure as to the commissioners seems fit, and for attaching to the emolument, in connection with the office, conditions of residence, study, and duty, or any of them:
- (5.) For affording further or better instruction in any art or science or other branch of learning:
- (6.) For providing new or improving existing buildings, libraries, collections, or apparatus, for any purpose connected with instruction or research in any art or science or other branch of learning, and for maintaining the same:
- (7.) For diminishing the expense of education in the college:
- (8.) For modifying the trusts, conditions, or directions affecting any college endowment, foundation, or gift, or any property belonging to the college, or the head or any member thereof, as such, or held in trust for the college, or for the head or any member thereof, as such, as far as the commissioners think the modification thereof necessary or expedient for giving effect to statutes made by them for the college:
- (9.) For regulating presentations to benefices in the gift of the college:
- (10.) For regulating the application of the purchase money for any advowson sold by the college:
- (11.) For altering or repealing any statute, ordinance, regulation, or byelaw of the college, and substituting or adding any statute for or to the same:

18. *Objects of statutes for colleges in relation to university.*] The commissioners, in statutes made by them for a college, may from time to time make provision for the following purposes relative to the university, or any of them:

- (1.) For authorising the college to commute any annual payment agreed or required to be made by it for university purposes into a capital sum to be provided by the college out of money belonging to it, and not produced by any sale of lands or hereditaments made after the passing of this Act:
 - (2.) For annexing any emolument held in or connected with the college to any office in the university, or in a hall, on such tenure as to the commissioners seems fit, and for attaching to the emolument, in connection with the office, conditions of residence, study, and duty, or any of them:
 - (3.) For assigning a portion of the revenues or property of the college, as a contribution to the common fund or otherwise, for encouragement of instruction in the university in any art or science or other branch of learning, or for the maintenance and benefit of persons of known ability and learning, studying or making researches in any art or science or other branch of learning in the university:
 - (4.) For empowering the college by statute made and passed at a general meeting of the governing body of the college specially summoned for this purpose, by the votes of not less than two thirds of the number of persons present and voting, to transfer the library of the college, or any portion thereof, to any university library:
 - (5.) For providing out of the revenues of the college for payments to be made, under the supervision of the university, for work done or investigations conducted in any branch of learning or inquiry connected with the studies of the university within the university:
 - (6.) For giving effect to statutes made by the commissioners for the university:
 - (7.) For modifying the trusts, conditions, or directions of or affecting any college endowment, foundation, or gift, concerning or relating to the university, as far as the commissioners think the modification thereof necessary or expedient for giving effect to statutes made by them for the university.
19. *Increase of or additional income to be regarded.*] The commissioners, in making a statute affecting a university or college emolument, shall take into account any prospective increase of the income of the emolument, or any prospective addition to the revenues of the university or college, and may make such provision as they think expedient for the application of that increase or addition.
20. *Power to allow continuance of voluntary payments.*] Nothing in or done under this Act shall prevent the commissioners from making in any statute made by them for a college such provisions as they think expedient for the voluntary continuance of any voluntary payment that has been used to be made out of the revenues of the college in connection with the college estates or property.
21. *Provision for accounts, audit, borrowing, and leases.*] The commissioners, in statutes made by them, shall from time to time make provision—
- (1.) For the form of accounts of the university, and of a college relating to funds administered either for general purposes, or in trust, or otherwise, and for the audit and publication thereof:
 - (2.) For the publication of accounts of receipts and expenditure of money raised under the borrowing powers of the university or of a college:
- And the commissioners, in statutes made by them, may from time to time, if they think fit, make provision—
- (3.) For regulating the exercise of the borrowing powers of the university or of a college:
 - (4.) For regulating the conditions under which beneficial leases may be renewed by the university or a college.
22. *Union of colleges and halls and institutions or combination for education.*] The commissioners, in statutes made by them, may from time to time make provision for the complete or partial union of two or more colleges, or of a college or colleges and a hall or halls, or of two or more halls, or of a college or hall, with any institution in the university, or for the organization of a combined educational system in and for two or more colleges or halls, provided application in that behalf is made to the commissioners on the part of each college and hall and institution as follows:
- (1.) In the case of a college in the University of Oxford by a resolution passed at a general meeting of the governing body of the college specially summoned for this purpose, by the votes of not less than two thirds of the number of persons present and voting and, in case of an application for complete union with the consent in writing of the visitor of the college:
 - (2.) In the case of a hall, by a resolution of the Hebdomadal Council, with the consent in writing of the Chancellor of the university:
 - (3.) In the case of a college in the University of Cambridge, by a resolution passed at a general meeting of the governing body of the college specially summoned for this purpose, and, in case of an application for a complete union, the resolution being passed by the votes of not less than two thirds of the number of persons present and voting:
 - (4.) In the case of an institution, with the consent of the congregation or senate of the university.
23. *Saving respecting Hulme Exhibitions at Oxford.*] The commissioners shall not make a statute affecting the trusts or directions of the will of William Hulme of Kearsley, in the county of Lancaster, deceased, or the provisions of any Act of Parliament relating thereto, except as regards so much of the funds or property of the trustees under the same as the Charity Commissioners under any scheme approved by Order in Council may assign for scholarships or exhibitions at Brasenose College or elsewhere in Oxford, without the consent in writing of the trustees under the same.
24. *Saving respecting Snell Exhibitions at Oxford.*] No statute or ordinance shall be made under this Act affecting the trusts, conditions, or directions of the will of John Snell, Esquire, deceased, or any scheme approved by the Court of Chancery relating thereto, without the consent in writing of the University Court of the University of Glasgow.
25. *Provision for canonry of Rochester annexed to provostship of Oriel College, Oxford.*] The commissioners, in a statute made by them for the University of Oxford, or for Oriel College in Oxford, may, if they think fit, with the assent of Oriel College, signified under its common seal, and with the concurrence of the Ecclesiastical Commissioners for England, provide that the canonry in the chapter of the cathedral church of Rochester, which is now annexed and united to the provostship of Oriel College, shall, on a vacancy, be severed therefrom, and may also, with the concurrence of the said Ecclesiastical Commissioners, provide that such canonry shall be thenceforth permanently annexed and united to some office or place of a theological or ecclesiastical character in or connected with the University of Oxford, or may, with the concurrence aforesaid, make such other provisions for the future disposal and patronage of such canonry as they shall think fit; and in case any such statute shall be made annexing such canonry to such office or place as aforesaid, such canonry, or the income thereof, may, if they think fit, be reckoned and taken in whole or in part, as a contribution of Oriel College out of its revenues to university purposes.
26. *Severance of canonry from Greek Professorship at Cambridge.*] The commissioners, in a statute or statutes made by them for the University of Cambridge, with the concurrence of the Ecclesiastical Commissioners for England, may provide for the canonry in the chapter of the cathedral church of Ely, which is annexed and united to the Regius Professorship of Greek, being, on a vacancy, severed therefrom, and being thenceforth permanently annexed and united to a professorship in the university of a theological or ecclesiastical character, with power, nevertheless, for the commissioners, with the concurrence of the Ecclesiastical Commissioners, if they think it expedient, to allow the present professor to resign the professorship and to hold the canonry as if it had never been annexed to the professorship.
27. *Saving for statutes of Trinity College, Cambridge, as to Regius professorships.*] A statute for altering or modifying the trusts, statutes, or directions relating to the endowments held by the Regius Professor of Greek, Hebrew, or Divinity in the University of Cambridge, if affecting any statute of Trinity College touching those professors or their endowments, shall not be made by the commissioners unless and until it receives the assent of Trinity College under its common seal.

28. *Alteration of trusts of Dixie Foundation in Emmanuel College, Cambridge.*] The commissioners, in a statute or statutes made by them for Emmanuel College in the University of Cambridge, after notice in writing to the heir of Sir Wolstan Dixie, may alter or modify the trusts, conditions, or directions of or affecting the Dixie Foundation, and as regards any right of nomination vested in the heir of the founder may commute that right in such manner, or make such other arrangement touching that right, as to the commissioners seems just and beneficial.

29. *Saving for headship of Magdalene College, Cambridge.*] A statute made by the commissioners shall not affect the right of nominating or appointing to the headship of Saint Mary Magdalene College in the University of Cambridge, unless the consent by deed of the person entitled to that right is first obtained.

30. *Distinction of university and college statutes.*] A statute made by the commissioners may, if the commissioners think fit, be in part a statute for the university, and in part a statute for a college or hall.

The commissioners shall in each statute made by them declare whether the same is a statute, wholly or in any and what part, for the university or for a college or hall therein named; and the declaration in that behalf of the commissioners shall be conclusive to all intents.

If any statute is in part a statute for a college or hall, the same shall for the purposes of the provisions of this Act relative to the representation of colleges and halls, and of the other provisions of this Act regulating proceedings on the statute, be proceeded on as a statute for the college or hall.

31. *Communication of proposed statutes for university, &c., to council, &c.*] Where the commissioners contemplate making a statute for the university or a statute for a college or hall containing a provision for any purpose relative to the university, or a statute otherwise affecting the interests of the university, they shall, one month at least (exclusive of any university vacation) before adopting any final resolution in that behalf, communicate the proposed statute in the University of Oxford to the Hebdomadal Council, to the head and to the visitor of the college, and to the principal of the hall affected thereby, and in the University of Cambridge to the council of the senate and to the governing body of the college affected thereby.

The commissioners shall take into consideration any representation made to them by the council, college, visitor, principal, or governing body respecting the proposed statute.

Within seven days after receipt of such communication by the council, the Vice-Chancellor of the university shall give public notice thereof in the university.

32. *Publication of proposed statutes for colleges and halls.*] Where the commissioners contemplate making a statute for a college or hall, they shall, one month at least (exclusive of any university vacation) before adopting any final resolution in that behalf, communicate the proposed statute to the Vice-Chancellor of the university and to the head, and in the University of Oxford the visitor, of the college, and to the principal of the hall.

Within seven days after receipt of such communication the Vice-Chancellor shall give public notice thereof in the university.

33. *Suspension of elections.*] The commissioners may, if they think fit, by writing under their seal, from time to time authorise and direct the university or any college or hall to suspend the election or appointment to, or limit the tenure of, any emolument therein mentioned for a time therein mentioned within the continuance of the powers of the commissioners as then ascertained; and the election or appointment thereto or tenure thereof shall be suspended or limited accordingly.

34. *Saving for existing interest.*] Any statute made by the commissioners shall operate without prejudice to any interest possessed by any person by virtue of his having, before the statute comes into operation, become a member of a college or hall, or been elected or appointed to a university or college emolument, or acquired a vested right to be elected or appointed thereto.

35. *Production of documents, &c.*] The commissioners, in the exercise of their authority, may take evidence, and for that purpose may require from any officer of the university or of a college or hall the production of any documents or

accounts relating to the university or to the college or hall (as the case may be), and any information relating to the revenues, statutes, usages, or practice thereof, and generally may send for persons, papers, and records.

Representation of Colleges and Halls.

36. *Election of commissioners by college.* For hall, principal to be commissioner.] Eight weeks at least (exclusive of any university vacation) before the commissioners, in the first instance, enter on the consideration of a statute to be made by the commissioners for a college or hall, they shall, by writing under their seal, give notice to the governing body of the college, and in the University of Oxford to the visitor of the college, and in the case of a hall to the principal of the hall, of their intention to do so.

The governing body of the college, at any time after receipt of the notice, may, at an ordinary general meeting, or at a general meeting specially summoned for this purpose, elect three persons to be commissioners to represent the college in relation to the making by the commissioners of statutes for the college.

But, in the case of a college, any actual member of the foundation whereof is nominated a commissioner in this Act, no more than two persons shall be so elected, while that member is a commissioner.

If during the continuance of the powers of the commissioners a vacancy happens by death, resignation, or otherwise, among the persons so elected, the same may be filled up by a like election; and so from time to time.

Each person entitled to vote at an election shall have one vote for every place to be then filled by election, and may give his votes to one or more of the candidates for election, as he thinks fit.

The persons elected to represent a college, and the principal of a hall, shall be, to all intents, commissioners in relation to the making by the commissioners of statutes for the college or hall, before and after the making thereof, but not further or otherwise, save that they shall not be counted as commissioners for the purposes of the provisions of this Act requiring four commissioners to be acting and three to be present at a meeting.

37. *Notice to college or hall of meeting.*] Where the commissioners propose at any meeting, not being an adjourned meeting, to make a statute for a college or hall, they shall give to the governing body of the college or to the principal of the hall, by writing under the seal of the commissioners, or under the hand of their secretary, fourteen days notice of the meeting.

38. *Validity of acts as regards colleges and halls.*] Any act of the commissioners shall not be invalid by reason only of any failure to elect any person to be a commissioner to represent a college, or the failure of any person elected to represent a college, or of the principal of a hall, to attend a meeting of the commissioners.

Schools.

39. *Notice to governing body of school and to Charity Commissioners.*] If in any case the commissioners contemplate making a statute for a college, affecting any right of preference in elections to any college emolument lawfully belonging to and enjoyed by any school, individually named or designated in any instrument of foundation, they shall, two months at least before adopting any final resolution in that behalf, give notice by writing under their seal, to the governing body of the school, or to the master or principal of the school on behalf of the governing body, and to the Charity Commissioners, of the proposed statute.

Where the emolument is not a fellowship, bye-fellowship, or studentship, the commissioners shall not make the proposed statute in either of the following cases; namely,

- (1.) If within two months after receipt of the notice aforesaid by the governing body, master, or principal of the school, two thirds of the governing body of the school, or two thirds of the aggregate body composed of the members of the several governing bodies of several schools interested (in the reckoning of the two thirds members of the governing body of a school who are such by virtue of membership or election by the governing body of the college not being counted), by writing under their respective hands or seal, dissent from the proposed statute on the ground that it would be prejudicial to the

school or schools as a place or places of learning and education; or

- (2.) If within two months after receipt of the notice aforesaid by the Charity Commissioners, those commissioners, by writing under their seal, dissent from the proposed statute on the ground aforesaid.

Where fellowships or studentships are tenable in a college by undergraduates, and the fellowships or studentships of the college are divided, or proposed to be divided, into elder and younger, the elder only shall be deemed to be fellowships or studentships within this section.

40. *Provision for case of contingent right.*] The governing body of a school having a right of preference contingently only on the failure of fit objects from some other school entitled to and in the enjoyment of a prior right of preference, shall not have the power of dissent from a proposed statute under this Act.

41. *Governing body a corporation.*] Where the governing body of a school is a corporate body, the governing body of the corporation shall be deemed to be the governing body of the school.

42. *Statutes for schools dissented from.*] The commissioners shall send to the Secretary of State every statute relating to a school proposed by them and dissented from as aforesaid (unless another statute has been substituted), and it shall be laid before both Houses of Parliament.

43. *Provision respecting right of preference when retained by school.*] Every right of preference retained by or for a school under this Act shall be subject to all statutes from time to time made by the commissioners for the purpose of making the college emolument, to which the right relates, more conducive to the mutual benefit of the college and school, or for the purpose of throwing the emolument open to general or extended competition, on any vacancy for which no candidate or claimant of sufficient merit offers himself from any school entitled.

Universities Committee of Privy Council.

44. *Constitution of Universities Committee of Privy Council.*] There shall be a committee of her Majesty's Privy Council, styled the Universities Committee of the Privy Council (in this Act referred to as the Universities Committee).

The Universities Committee shall consist of the President for the time being of the Privy Council, the Archbishop of Canterbury for the time being, the Lord Chancellor of Great Britain for the time being, the Chancellor of the University of Oxford for the time being, if a member of the Privy Council, the Chancellor of the University of Cambridge for the time being, if a member of the Privy Council, and such other member or two members of the Privy Council as her Majesty from time to time thinks fit to appoint in that behalf, that other member, or one at least of those two other members, being a member of the Judicial Committee of the Privy Council.

The powers and duties of the Universities Committee may be exercised and discharged by any three or more of the members of the committee, one of whom shall be the Lord Chancellor or a member of the Judicial Committee of the Privy Council.

Confirmation or Disallowance of Statutes.

45. *Submission of statutes to Queen in Council.*] The commissioners, within one month after making a statute, shall cause it to be submitted to her Majesty the Queen in Council, and notice of it having been so submitted shall be published in the London Gazette (in this Act referred to as the gazetting of a statute).

The subsequent proceedings under this Act respecting the statute shall not be affected by the cesser of the powers of the commissioners.

46. *Petition against statute.*] At any time within three months of the gazetting of a statute, the university or the governing body of a college, or the trustees, governors, or patron of a university or college emolument, or the principal of a hall, or the governing body of a school, or any other person or body, in case the university, college, emolument, hall, school, person, or body, is directly affected by the statute, may petition the Queen in Council for disallowance of the statute, or of any part thereof.

47. *Reference to committee.*] It shall be lawful for the

Queen in Council to refer any statute petitioned against under this Act to the Universities Committee.

The petitioners shall be entitled to be heard by themselves or counsel in support of their petition.

It shall be lawful for the Queen in Council to make, from time to time, rules of procedure and practice for regulating proceedings on such petitions.

The costs of all parties of and incident to such proceedings shall be in the discretion of the Universities Committee; and the orders of the committee respecting costs shall be enforceable as if they were orders of a Division of the High Court of Justice.

48. *Disallowance by Order in Council, or remitting to commissioners.*] If the Universities Committee report their opinion that a statute referred to them, or any part thereof, ought to be disallowed, it shall be lawful for the Queen in Council to disallow the statute or that part, and thereupon the statute or that part shall be of no effect.

If, during the continuance of the powers of the commissioners, the Universities Committee report their opinion that a statute referred to them ought to be remitted to the commissioners with a declaration, it shall be lawful for the Queen in Council to remit the same accordingly; and the commissioners shall reconsider the statute, with the declaration, and the statute, if and as modified by the commissioners, shall be proceeded on as an original statute is proceeded on, and so from time to time.

49. *Statutes not referred, or not disallowed or remitted, to be laid before Houses of Parliament.*] If a statute is not referred to the Universities Committee, then, within one month after the expiration of the time for petitioning against it, the statute shall be laid before both Houses of Parliament, if Parliament is then sitting, and if not, then within fourteen days after the next meeting of Parliament.

If a statute is referred to the Universities Committee, and the committee do not report that the same ought to be wholly disallowed or to be remitted to the commissioners, then, as soon as conveniently may be after the report of the Universities Committee thereon, the statute or such part thereof as is not disallowed by Order in Council, shall be laid before both Houses of Parliament.

50. *Approval of statutes by Order in Council.*] If neither House of Parliament, within twelve weeks (exclusive of any period of prorogation) after a statute or part of a statute is laid before it, presents an address praying the Queen to withhold her consent therefrom, it shall be lawful for the Queen in Council by Order to approve the same.

Effect of Statutes.

51. *Statutes to be binding and effectual.*] Every statute or part of a statute made by the commissioners, and approved by Order in Council, shall be binding on the university and on every college and hall, and shall be effectual notwithstanding any instrument of foundation or any Act of Parliament, Order in Council, decree, order, statute, or other instrument or thing constituting wholly or in part an instrument of foundation, or confirming or varying a foundation or endowment, or otherwise regulating the university or a college or hall.

52. *Power in Cambridge for Chancellor to settle doubts as to meaning of university statutes.*] If after the cesser of the powers of the commissioners any doubt arises with respect to the true meaning of any statute made by the commissioners for the University of Cambridge, the council of the senate may apply to the Chancellor of the university for the time being, and he may declare in writing the meaning of the statute on the matter submitted to him, and his declaration shall be registered by the registry of the university, and the meaning of the statute as therein declared shall be deemed to be the true meaning thereof.

Alteration of Statutes.

53. *Power for university to alter commissioners' statutes.*] A statute made by the commissioners for the university or for a hall shall, after the cesser of the powers of the commissioners, be subject to alteration from time to time by statute made by the university under this Act and not otherwise.

But where and as far as a statute made by the commissioners for the university affects a college, the same shall not be subject to alteration under this section, except with the consent of the college.

54. *Power for colleges to alter commissioners' statutes.*] A statute made by the commissioners for a college, and any statute, ordinance, or regulation made by or in relation to a college under any authority other than that of this Act, shall, after the cesser of the powers of the commissioners, be subject to alteration from time to time by statute made by the college under this Act and not otherwise, the same being passed at a general meeting of the governing body of the college, specially summoned for this purpose, by the votes of not less than two thirds of the number of persons present and voting.

But where and as far as a statute made by the commissioners for a college affects a university, the same shall not be subject to alteration under this section except with the consent of the university.

55. *Confirmation or disallowance of altering statutes.*] Every statute made by the university or a college under either of the two next preceding sections of this Act shall be submitted to the Queen in Council, and be proceeded on and have effect as if it were a statute made by the commissioners, with the substitution only of the university or the college for the commissioners in the provisions of this Act in that behalf.

Reference of other Statutes to Universities Committee.

56. *Statutes awaiting submission to Queen in Council, or made before cesser of powers of commissioners.*] Every statute, ordinance, and regulation made as follows; namely,

- (1.) Every statute, ordinance, and regulation made by or in relation to the university or a college under any former Act before the passing of this Act, and required by any former Act to be submitted to the Queen in Council, but not so submitted before the passing of this Act; and
 - (2.) Every statute, ordinance, and regulation made by or in relation to the university or a college under any former Act after the passing of this Act, and before the cesser of the powers of the commissioners, and required by any former Act to be submitted to the Queen in Council; and
 - (3.) Every statute, ordinance, and regulation made by or in relation to a college under any former Act or any ordinance since the first day of January one thousand eight hundred and seventy-seven, and before the passing of this Act,
- shall, in lieu of being submitted to the Queen in Council under and according to any former Act or any ordinance, and whether or not a submission to the Queen in Council is required under any former Act or any ordinance, be, with the consent of the commissioners in writing under their seal, but not otherwise, submitted to the Queen in Council under this Act, and be proceeded on as if it were a statute made by the commissioners, with the substitution only of the university or the college for the commissioners in the provisions of this Act in that behalf; and the same, if and as far as it is approved by Order in Council under this Act, shall have effect as if it had been submitted and proceeded on under any former Act or any ordinance.

Tests.

57. *Saving for Tests Act—34 & 35 Vict. c. 26.*] Nothing in this Act shall be construed to repeal any provision of the Universities Tests Act, 1871.

58. *Operation of Tests Act as regards new theological offices—34 & 35 Vict. c. 26.*] Where the commissioners, by any statute made by them, erect or endow an office declared by them in the statute to require in the incumbent thereof the possession of theological learning, which (notwithstanding anything in this Act) they are hereby empowered to do, provided the office be not a headship or fellowship of a college, then the Universities Tests Act, 1871, shall, with reference to that office, be read and have effect as if the statute had been made before and was in operation at the passing of the Universities Tests Act, 1871.

59. *Provision for religious instruction and worship in pursuance of Tests Act.*] The commissioners, in statutes made by them, shall make provision, as far as may appear to them requisite, for the due fulfilment of the requisitions of sections five and six of the Universities Tests Act, 1871 (relating to religious instruction and to morning and evening prayer in colleges); but, except for that purpose, they shall not, by a statute made by them, endow wholly or in part an office of an ecclesiastical or theological character by

means of any portion of the revenues or property of the university or a college not forming, when the statute comes into operation, the endowment, or part of the endowment, of an office of that character, and in any statute made by them, shall not make directly, or indirectly through the consolidation or combination of any office or emolument with any other office or emolument, whether in the university or in a college or hall, the entering into holy orders or the taking of any test a condition of the holding of any office or emolument existing at the passing of this Act to which that condition is not at the passing of this Act attached.

Land.

60. *License in mortmain unnecessary on purchases under University Acts—20 & 21 Vict. c. 25—19 & 20 Vict. c. 88.*] A license to alien or to take and hold in mortmain shall be and be deemed to have been unnecessary in respect of a purchase, made before or after the passing of this Act, by the university or a college of land situate within a district or place described or named in, and required for any purpose mentioned in, the following enactments respectively:

Section four of the Oxford University Act, 1857:

Section fifty-one of the Cambridge University Act, 1856.

Electoral Roll, Cambridge.

61. *Notice of objection as to electoral roll to be given.*] No objection to the list of members of the electoral roll of the University of Cambridge, promulgated in accordance with section seven of the Cambridge University Act, 1856, made on the ground of any person being improperly placed on or omitted from that list, shall be entertained unless notice of it is given in writing to the Vice-Chancellor at least four days before the day for publicly hearing objections to that list; and the Vice-Chancellor shall, at least two days before such day, cause to be promulgated a list of all the objections of which notice has been given.

THE SCHEDULE.

Short Titles for former Acts.

OXFORD.

17 & 18 Vict. c. 81.—An Act to make further provision for the good government and extension of the University of Oxford, of the colleges therein, and of the College of Saint Mary, Winchester. The Oxford University Act, 1854.

19 & 20 Vict. c. 31.—An Act to amend the Act of the seventeenth and eighteenth years of Her Majesty concerning the University of Oxford and the College of Saint Mary, Winchester. The Oxford University Act, 1856.

20 & 21 Vict. c. 25.—An Act to continue the powers of the commissioners under an Act of the seventeenth and eighteenth years of Her Majesty concerning the University of Oxford and the College of Saint Mary, Winchester, and further to amend the said Act. The Oxford University Act, 1857.

23 & 24 Vict. c. 91.—An Act for removing doubts respecting the Craven Scholarships in the University of Oxford, and for enabling the university to retain the custody of certain testamentary documents. The Oxford University Act, 1860.

32 & 33 Vict. c. 20.—An Act to remove doubts as to the validity of certain statutes made by the Convocation of the University of Oxford. The Oxford University Statutes Act, 1869.

CAMBRIDGE.

19 & 20 Vict. c. 88.—An Act to make further provision for the good government and extension of the University of Cambridge of the colleges therein, and of the College of King Henry the Sixth at Eton. The Cambridge University Act, 1856.

CAP. XLIX.

An Act to amend the Law relating to Prisons in Ireland.
[14th August, 1877.]

CAP. L.

An Act to amend the Law in regard to the appointment of Sheriffs Substitute and Procurators Fiscal in Scotland; to extend the jurisdiction of and amend the procedure in the Sheriff Courts of Scotland; and for certain other purposes connected therewith.
[14th August, 1877.]

CAP. LI.

An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India.
[14th August, 1877.]

CAP. LII.

An Act for further amending the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes relating thereto.
[14th August, 1877.]

CAP. LIII.

An Act to amend the Law relating to Prisons in Scotland.
[14th August, 1877.]

CAP. LIV.

An Act to amend the Public Libraries Acts.
[14th August, 1877.]

Whereas by the Public Libraries Acts, 18 & 19 Victoria, c. 40, for Ireland; 29 & 30 Victoria, c. 114, for England; and 30 & 31 Victoria, c. 37, for Scotland, the mode by which the Act is to be adopted is prescribed to be by public meeting, and it has been found that in many cases a public meeting is a most incorrect and unsatisfactory mode, and fails to indicate the general opinion of the ratepayers, and it is desirable to ascertain these opinions more correctly:

Be it enacted, &c.

1. *Ratepayers opinions may be ascertained by voting papers.* It shall be competent for the prescribed local authority in any place or community which has the power to adopt one of the above cited Acts, to ascertain the opinions of the majority of the ratepayers either by the prescribed public meeting or by the issue of a voting paper to each ratepayer, and the subsequent collection and scrutiny thereof, and any expense in connection with such voting papers shall be borne in the same way as the expense of a public meeting would be borne, and the decision of the majority so ascertained shall be equally binding.

2. *Ratepayers may stipulate for modified assessment.* In addition to the simple vote "Yes" or "No" to the adoption of the Act, such voting paper may stipulate that its adoption shall be subject to a limitation to some lower rate of assessment than the maximum allowed by Act of Parliament in force at the time, and such lower limit, if once adopted, shall not be subsequently altered except by public vote similarly taken.

3. *Definition.* "Ratepayer" shall mean every inhabitant who would have to pay the free library assessment in event of the Act being adopted.

4. *Short title.* This Act may be cited as the Libraries Amendment Act, 1877.

CAP. LV.

An Act to amend the Public Record Office Act, 1838.
[14th August, 1877.]

1 & 2 Vict. c. 94.] Whereas the Public Record Office was established in pursuance of the Public Record Office Act, 1838, and divers records and papers (in this Act referred to as documents) are deposited in or can be removed to that office and are there under the charge of the Master of the Rolls in England for the time being:

And whereas it is expedient to prevent the Public Record Office from being encumbered with documents

not sufficient public value to justify their preservation in the Public Record Office:

Be it therefore enacted, &c.:

1. *Power to make rules as to disposal of valueless documents.* The Master of the Rolls, with the approval of the Commissioners of her Majesty's Treasury, and such further approval in the case of certain documents as is herein-after mentioned, may, if he sees fit, from time to time make, and when made, revoke, add to, and vary rules respecting the disposal by destruction or otherwise of documents which are deposited in or can be removed to the Public Record Office, and which are not of sufficient public value to justify their preservation in the Public Record Office.

Such rules shall,—

- (1) So far as they relate to documents of any court mentioned in section three of the Public Record Office Act, 1838, be made with the further approval of the Lord High Chancellor of Great Britain; and
- (2) So far as they relate to documents removed or about to be removed to the Public Record Office from the office of one of her Majesty's principal Secretaries of State or other department of the Government (except the Treasury), be made with the further approval of such Secretary of State or head of such department.

Before the power of disposal given by this section shall be exercised as to any documents, the Master of the Rolls shall cause a schedule to be prepared of the documents for the time being proposed to be disposed of, containing a list of the documents, and such particulars as to their character and contents as may be calculated to enable the Houses of Parliament to judge of the expediency of disposing of such documents in the proposed manner; but where there shall be several documents of the same class or description, it shall be sufficient to classify them, as far as practicable, according to their nature and contents, instead of specifying each document separately, and the power of disposal given by this section shall not be exercised in respect of any documents until the schedule relating to such documents before required has been submitted to both Houses of Parliament for a period of not less than four weeks.

No rule made in pursuance of this section shall provide for the disposal of any document of older date than the year one thousand seven hundred and fifteen.

Every rule made in pursuance of this section shall be laid before both Houses of Parliament, and when the same has lain not less than sixty days before both Houses of Parliament it shall be lawful for her Majesty, by Order in Council, to declare her approbation of the rule or any part of the rule, from which rule or part her Majesty has not been prayed by an address of either House of Parliament to withhold her approbation.

Every such rule when approved by Order in Council shall be deemed to have been within the powers of this Act and duly made, and shall, while in force, have effect as if it were enacted by Parliament.

2. *Disposal of documents of masters offices transferred by 23 & 24 Vict. c. 149—1 & 2 Vict. c. 94.* Whereas by the ninth section of the Act of the session of the twenty-third and twenty-fourth years of the reign of her present Majesty, chapter one hundred and forty-nine, intitled "An Act to make better provision for the relief of prisoners in contempt of the High Court of Chancery, and pauper defendants, and for the more efficient despatch of business in the said court," it is enacted that the deeds, books, documents, and papers belonging to the suitors in the Court of Chancery which had been theretofore under the custody of the masters in ordinary of the said court (and which are herein-after referred to as chancery masters documents) should be transferred to the custody of the clerks of records and writs of the said court, and the Master of the Rolls is authorised to appoint a person to have the care of the said chancery masters documents, at a salary not exceeding the sum therein mentioned; and such documents have since remained at the offices in Southampton-buildings, Chancery-lane, where the same were deposited at the passing of the said Act:

And whereas it is expedient to make further provision with respect to the chancery masters documents: Be it therefore enacted, that—

The chancery masters documents shall, after the passing of this Act, be under the charge and superintendence of the Master of the Rolls for the time being under the Public Record Office Act, 1838, in like manner as if they were

records within the meaning of that Act and this Act, subject as follows:

- (1.) No person shall be entitled to inspect the same without the consent of the Master of the Rolls and the Treasury; and
- (2.) The Master of the Rolls, with the approval of the Treasury, may take such measures as may seem best for ascertaining the lawful owners of any of such documents, and may cause the same to be delivered to such lawful owners.

Section nine of the Act above recited in this section shall be construed as if the words Master of the Rolls were substituted therein for the words clerks of records and writs wherever used in the said section.

3. *Construction and short title.* This Act shall be construed as one with the Act of the session of the first and second years of the reign of her present Majesty, chapter ninety-four, intituled "An Act for keeping safely the Public Records," which Act is in this Act referred to and may be cited as the Public Record Office Act, 1838, and that Act and this Act may be cited together as the Public Record Offices Acts, 1838 and 1877, and this Act may be cited as the Public Record Office Act, 1877.

CAP. LVI.

An Act to amend the Laws relating to County Officers and to Courts of Quarter Sessions and Civil Bill Courts in Ireland. [14th August, 1877.]

Whereas it is expedient to amend the laws relating to the offices of clerk of the Crown and clerk of the peace, and to the courts of quarter sessions and civil bill courts in Ireland, to provide for the union of such offices, and to extend the jurisdiction of such courts:

Be it therefore enacted, &c.:

Preliminary.

1. *Application of Act.* This Act shall apply to Ireland only.

2. *Short title.* This Act may be cited as "The County Officers and Courts (Ireland) Act, 1877."

3. *Title of the chairman.* The chairmen, not being recorders, shall, from and after the commencement of this Act, be styled "county court judges and chairmen of quarter sessions."

4. *Commencement of Act.* Parts I., III., and IV. of this Act shall come into operation upon the passing of this Act. Part II. of this Act shall come into operation upon the first day of January one thousand eight hundred and seventy-eight.

5. *Short title of 14 & 15 Vict. c. 57.* The Act passed in the session of Parliament held in the fourteenth and fifteenth years of the reign of her present Majesty, chapter fifty-seven, may be cited as "The Civil Bill Courts (Ireland) Act, 1851."

6. *Repeal of statutes.* The several enactments mentioned in schedule (A.) to this Act shall be and the same are hereby repealed, but this repeal shall not affect—

- (a.) Anything heretofore duly done or suffered under any enactment hereby repealed; or
- (b.) Any right or liability heretofore acquired, accrued, or incurred under any enactment hereby repealed; or
- (c.) Any security heretofore given under any enactment hereby repealed; or
- (d.) Any liability, penalty, forfeiture, or punishment incurred in respect of any offence heretofore committed against any enactment hereby repealed; or
- (e.) Any proceeding heretofore duly instituted; or
- (f.) Any investigation, legal proceeding, or remedy in respect of any such right, liability, security, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, or remedy may be instituted, carried on, and enforced as if this Act had not been passed.

7. *Interpretation of terms.* In this Act—

The term "Lord Lieutenant" shall mean the Lord Lieutenant-General and General Governor of Ireland, and shall include the Lords Justices or other chief governors or governor of Ireland for the time being: The term "Lord Chancellor" shall mean the Lord Chancellor of Ireland, and shall include the Lord

Keeper or Lords Commissioners for the custody of the Great Seal in Ireland:

The term "Court of Chancery" shall mean the High Court of Chancery in Ireland:

The term "Treasury" shall mean the Lord's Commissioners of her Majesty's Treasury for the time being, or any two of them:

The term "county" shall include a county of a city, county of a town, county of a town and city, city and county, and riding of a county, and any county and borough in which a union of the offices of clerk of the Crown and clerk of the peace shall have been made pursuant to this Act:

The term "grand jury" shall include any town council authorised to make presentments:

The term "borough" shall mean any borough, not being a county of a city or county of a town, to which a separate commission of the peace has been or shall be granted:

The term "chairman" shall mean the chairman of quarter sessions of any county or counties, and shall include each of the recorders of the cities of Dublin, Cork, and Londonderry, and of the towns of Belfast and Galway respectively:

In parts II., III., and IV. of this Act the term "clerk of the peace" shall include the clerk of the Crown and peace:

The term "civil bill court" shall include any court for the transaction of civil business held before any chairman or recorder, and any land court and any court of quarter sessions for the transaction of licensing business:

The term "registrar of civil bills" or registrar shall include the registrar of any civil bill court or recorder's court.

PART I.

Officers.

8. *Union of offices of clerk of the Crown and clerk of the peace.* (1.) Whenever either of the offices of clerk of the Crown or of clerk of the peace for any county or borough shall become or be vacant, if the person then holding the other of the said offices shall be willing to accept the vacant office, the Lord Lieutenant may order that the said offices be united, and may appoint to the united office such person as aforesaid. The said offices shall thenceforth remain united, and the person holding the same shall be called the clerk of the Crown and peace for the county or borough. If such person shall refuse to accept such appointment, or if the Lord Lieutenant shall not deem it expedient to appoint him, the Lord Lieutenant may appoint to the vacant office a fit and proper person to be temporary clerk of the Crown or temporary clerk of the peace, as the case may be. The temporary clerk so appointed shall hold such office and perform all the duties of clerk of the Crown or clerk of the peace, as the case may be, for the county or borough until he shall die, or resign, or be removed by the Lord Lieutenant, or until the other of the said offices shall become vacant, whichever shall first happen:

(2.) Whenever both the said offices for any county or borough shall become or be vacant at the same time, the Lord Lieutenant shall order that the said offices be united, and shall appoint to the united office one fit and proper person, qualified as herein-after mentioned, and the said offices shall thenceforth remain united, and the person holding the same shall be called the clerk of the Crown and peace for the county or borough:

(3.) Whenever both the said offices for any borough shall become or be vacant at the same time, and the Lord Lieutenant shall deem it expedient to unite the said offices with the office of clerk of the Crown and peace for any county surrounding or adjoining such borough, the Lord Lieutenant may order that the said offices be united with the office of clerk of the Crown and peace for such county, and may appoint to the office of clerk of the Crown and peace for the borough the clerk of the Crown and peace for such county, or if there shall be no such clerk of the Crown and peace, or if he

shall refuse to accept such appointment, may appoint a fit and proper person to be temporary clerk of the Crown and peace for the borough; and the temporary clerk so appointed shall hold such office and perform all the duties of clerk of the Crown and peace for the borough until he shall die, or resign, or be removed by the Lord Lieutenant, or until the clerk of the Crown and peace for any such county shall be appointed to the office of clerk of the Crown and peace for the borough, whichever shall first happen; and upon the appointment of one person to the same, the offices of clerk of the Crown and peace for such borough and of clerk of the Crown and peace for such county shall be and thenceforth remain united, and the person holding the same shall be called clerk of the Crown and peace for the county and borough:

- (4.) Whenever the office of clerk of the peace for any borough for which the office of clerk of the Crown does not exist shall become or be vacant, the Lord Lieutenant may order that it be united with the office of clerk of the Crown and peace for any county adjoining or surrounding such borough, and may appoint to the office of clerk of the peace for such borough the clerk of the Crown and peace for such county, or if there shall be no such clerk of the Crown and peace, or if he shall refuse to accept such appointment, may appoint a fit and proper person to be temporary clerk of the peace for the borough; and the temporary clerk so appointed shall hold such office and perform all the duties of clerk of the peace for the borough until he shall die, or resign, or be removed by the Lord Lieutenant, or until the clerk of the Crown and peace for any such county shall be appointed to the office of clerk of the peace for the borough, whichever shall first happen; and upon the appointment of one person to the same, the offices of clerk of the peace for such borough and of clerk of the Crown and peace for such county shall be and thenceforth remain united, and the person holding the same shall be called clerk of the Crown and peace for the county and borough:
- (5.) At any time after the passing of this Act, and from time to time until such union of offices as aforesaid, the Lord Chancellor may, with the consent of the Treasury, if he shall deem it necessary for the proper discharge of the duties of registrar of the civil bill court of any county or borough, appoint by order a fit and proper person to be temporary registrar of such civil bill court; and every person so appointed shall hold such office, and discharge such duties in relation to such court, as such order may direct, until he shall die, or resign, or be removed by the Lord Chancellor, or until the office of clerk of the peace for such county or borough shall become vacant, whichever shall first happen; and upon the occurrence of such vacancy, provision shall be made for the proper discharge of such duties by the appointment of a temporary clerk of the peace or of a clerk of the Crown and peace.

9. *Appointment of additional officers.*] If at any time after the passing of this Act it shall appear to the Lord Chancellor and the Treasury that the staff of officers for the time being provided for any county or borough or civil bill court is insufficient for the proper discharge of the duties of clerk of the Crown and clerk of the peace, or of clerk of the Crown and peace, such additional clerk or clerks may be appointed to discharge such of the said duties during such periods and subject to such regulations as may from time to time be prescribed by rules or orders to be made as herein-after provided; provided that every such appointment shall be made as follows:

- (a.) Before the union of the offices of clerk of the Crown and clerk of the peace the appointment shall be made and may be determined by the chairman:
- (b.) After the union of the offices of clerk of the Crown and peace the appointment shall be made and may be determined by the clerk of the Crown and peace:
- (c.) Every person appointed shall possess such qualifications and may be required to pass such examina-

tion as the Lord Chancellor may from time to time by order prescribe:

- (d.) Every such appointment shall be subject to the approval of the Lord Chancellor:
- (e.) Every person so appointed shall be removable by the Lord Chancellor.

10. *Registrars to be appointed.*] A registrar of the civil bill court or courts held before each chairman shall be appointed to discharge such duties and to exercise such powers and authority in connection with all or any part of the civil jurisdiction of the said chairman, and subject to such regulations and to such obligations and control, as may from time to time be prescribed by rules and orders to be made as herein-after provided: Provided that every such appointment shall be made subject to the following provisions:

- (a.) The appointment shall be made by the chairman, subject to the approval of the Lord Chancellor:
- (b.) Every person so appointed shall be removable by the Lord Chancellor at his discretion, and shall hold his office until he die or resign, or be so removed, or until the chairman who shall have appointed him shall vacate his office:
- (c.) Every person appointed shall be an attorney or solicitor, or shall have held the office of clerk, or temporary clerk, or deputy clerk of the Crown, or of clerk, or temporary clerk, or deputy clerk of the peace, or of registrar or temporary registrar of civil bills, or of additional clerk appointed under the last preceding section.

No registrar shall, either by himself or his partner or agent, be directly or indirectly engaged or concerned as attorney or agent for any party to any proceeding in any civil bill court to which he is attached; and any registrar offending against this enactment shall for every such offence forfeit and pay the sum of fifty pounds to any person who shall sue for the same in any of her Majesty's superior courts at Dublin.

11. *Appointment of clerks of Crown and peace.*] Every clerk of the Crown and peace appointed under the provisions of this Act shall hold such office and perform all the duties of clerk of the Crown and of clerk of the peace for the county or borough for which he shall be appointed, and such other duties as he may be directed to perform under the provisions of this Act until he shall die, or resign, or be removed for misconduct or incapacity by the Lord Chancellor; and whenever any such office shall become vacant, the Lord Lieutenant shall appoint one fit and proper person, qualified as herein-after mentioned, to the same.

12. *Qualification of officers.*] No person shall be appointed to be clerk of the Crown and peace unless he shall be a practising attorney or solicitor of six years standing, or unless he shall at the time of the passing of this Act hold, or shall have heretofore held, the office of clerk of the Crown or clerk of the peace, or deputy clerk of the Crown or deputy clerk of the peace, and the Lord Chancellor shall certify that he is competent to discharge the duties of clerk of the Crown and peace: Provided that any attorney or solicitor who may be appointed to the office of temporary clerk of the Crown, or temporary clerk of the peace, or temporary registrar or registrar, or who shall act or have acted as deputy to any clerk of the Crown or clerk of the peace, shall be deemed to have been a practising attorney or solicitor during such time as he shall have held such office or acted as such deputy.

13. *Officers to discharge duties in person, and not to practise.*] Every person appointed to any office under this part of this Act shall discharge the duties of his office in person, and not by deputy, except in case of illness or other temporary and exceptional circumstances; no person holding the office of clerk of the Crown and peace shall practise as an attorney or solicitor, nor shall he act in the commission of the peace; every clerk of the Crown and peace shall be deemed to be an officer serving in the permanent civil service of the State, and shall be bound to devote his whole time to the duties of his office.

14. *Temporary officers and deputies not entitled to superannuation.*] No officer, registrar, or clerk appointed to any temporary office under this Act, or deputy appointed after the passing of this Act, shall be entitled to any superannua-

tion allowance or compensation upon his retirement or removal from, or upon the determination of, his office or appointment.

15. *Office expenses.*] The Treasury may from time to time direct that such annual or other allowance as they shall think proper shall be made to any existing officer or person appointed under this Act for defraying the expense of necessary clerical assistance, postage, books, stationery, and other requisites of his office.

16. *Certain officers not entitled to superannuation.*] If any clerk of the Crown appointed for any county or borough after the first day of January one thousand eight hundred and sixty-seven, or any clerk of the peace appointed for any county or borough after the twelfth day of February one thousand eight hundred and seventy-seven, who on accepting his appointment stated that he did so without any reservation in regard to any future steps that Parliament or the Government might be pleased to adopt connected with it, shall refuse to accept any office of clerk of the Crown and peace of which the salary and emoluments shall not be less than those of his previous appointment, the Lord Lieutenant may direct that such person shall cease to hold the said office of clerk of the Crown or of clerk of the peace without being entitled to any superannuation allowance or compensation whatsoever, and his office shall thereupon be deemed vacant: Provided that any clerk of the Crown or clerk of the peace, being an attorney or solicitor and holding office at the passing of this Act, may, on accepting any such office of clerk of the Crown and peace, elect to continue to practise as an attorney or solicitor, anything in this Act to the contrary notwithstanding; but in the event of his so electing, he shall not be entitled to any superannuation allowance or pension.

17. *Powers and duties of officers.*] Every person who shall be appointed to the office of clerk of the Crown and peace for any county or borough shall, subject to such provisions as may be made relating to any registrar appointed under this Act, have and exercise all the powers, jurisdictions, and authorities belonging to or exercisable by virtue of each of the offices of clerk of the Crown and clerk of the peace and registrar of civil bills for such county or borough respectively, and every person appointed temporary clerk of the Crown or temporary clerk of the peace or temporary registrar, or otherwise temporarily employed to discharge any of the duties of the offices of clerk of the Crown or clerk of the peace or registrar of civil bills under this Act, shall have and exercise, while he shall be so employed and in respect of the duties which he shall be so employed to discharge, the like powers, jurisdictions, and authorities, and be subject to the like obligations and control, as if he were a permanent officer.

18. *Discharge of duties by present clerks of the Crown and of the peace.*] No clerk of the Crown or clerk of the peace shall after the passing of this Act discharge any of the duties of his office by any deputy who shall not have been approved of as a sufficient deputy by the Lord Chancellor; and any such clerk of the Crown or clerk of the peace discharging any such duties by any deputy not so approved shall by so doing forfeit all right to any salary during the time of the discharge of his duties by a deputy not so approved, and shall, in case the Lord Chancellor so direct, cease to hold the office of clerk of the Crown or clerk of the peace, as the case may be.

19. *Security to be given by officers.*] Every person appointed to the office of clerk of the Crown and peace, or temporary clerk of the Crown or temporary clerk of the peace, or registrar or temporary registrar, shall, before entering upon the duties of such office, give security for the due discharge of the duties of such office in double the amount of his estimated annual salary or emoluments in such manner as the Lord Chancellor, with the consent of the Treasury, may by order from time to time prescribe.

20. *Payment of salaries pending union of offices.*] (1.)

Every salary and remuneration which at the time of the passing of this Act shall be presentable or payable to or for any clerk of the Crown or clerk of the peace shall, so long as the office shall be held by the person who at the time of the passing of this Act shall hold the same, or by any temporary clerk of the Crown or temporary clerk of the peace, be presented and paid at the same times and in the same manner as if this Act had not been passed;

and so long as any person who at the time of the passing of this Act shall hold the office of clerk of the Crown or of clerk of the peace, or his deputy heretofore appointed, shall be entitled to receive any special pension under this Act, such special pension shall be presented and paid at the same times and in the same manner as the salary of the office was presentable and payable at the time of the passing of this Act: Provided always, that the present clerk of the peace for the county of Wexford shall only be entitled to the salary and remuneration aforesaid until the death or resignation of the present clerk of the Crown for the said county, whichever of said events shall first happen, whereupon the said clerk of the peace (unless appointed to the office of clerk of the Crown and peace) shall retire without any right to pension, superannuation, or compensation:

(2.) Every temporary clerk of the Crown and temporary clerk of the peace shall, so long as he holds such office, be entitled to take and receive all such presentments, payments, fees, and other emoluments as would be presentable or payable to him if he were clerk of the Crown or clerk of the peace, as the case may be, and had been appointed before the passing of this Act:

(3.) After the union of the offices of clerk of the Crown and clerk of the peace for any county or borough no further money, except any special pensions payable under this Act, shall be presented or paid in such county or borough for or in respect of the salaries or remuneration of clerk or temporary clerk of the Crown, or of clerk or temporary clerk of the peace; but notwithstanding the union of the offices of clerk of the Crown and clerk of the peace, and both before and after such union, all sums now presentable or payable, other than such salaries or remuneration, shall continue to be presented and paid in the same manner as heretofore.

21. *Fees to be paid to Treasury after union of offices.*] The Lord Lieutenant, by and with the advice and consent of the Privy Council of Ireland, may from time to time after the passing of this Act make orders, and when made may revoke, alter, or amend the same, and may make new orders instead of any orders revoked, fixing a scale or scales according to which all or any expenses and remuneration heretofore presentable and payable to any clerk of the peace for carrying into effect the provisions of the Acts relating to the registration of voters, or otherwise in respect of such registration, shall be calculated, and may, as well in respect of the matters aforesaid, as also in fixing any scale or scales of remuneration of clerks of the peace under the provisions of the Juries (Ireland) Acts, provide that any actual expenses shall be distinguished from any profits or remuneration presentable to and receivable by any clerk of the peace for his own use for or in respect of any duties imposed upon him by any Act relating to the registration of voters, or by the Juries (Ireland) Acts; and thereupon all such expenses and such profits and remuneration shall in each case be separately calculated, presented, and paid according to the scale or scales so fixed, and for the time being in force, and not otherwise, and the respective accounts thereof shall be audited and vouched as the Lord Lieutenant in Council may by order provide.

After the union of offices of clerk of the Crown and clerk of the peace for any county or borough, the amount of all profits and remuneration which, but for the passing of this Act, would have been presentable to and receivable by any clerk of the peace for his own use for or in respect of any duties imposed on him by any of the said Acts shall be presented to and receivable by her Majesty's Exchequer; but notwithstanding such union the amount of all such actual expenses as aforesaid shall continue to be presented and paid in the same manner as theretofore.

From and after the union of the offices of clerk of the Crown and clerk of the peace for any county or borough, all fees and emoluments (including the profits and remuneration presentable and payable under the next preceding provision) which, but for the passing of this Act, would be receivable by or payable to any clerk of the Crown or clerk of the peace or registrar of civil bills whose office shall have been included in such union, and all other fees and emoluments to be levied or paid under

the provisions of this Act, shall be receivable by her Majesty's Exchequer, and shall be collected and paid over in such manner as the Treasury from time to time shall direct; and the several provisions of any Act or Acts with respect to fixing and collecting fees taken in civil bill courts, or by clerks of the Crown or clerks of the peace or registrars of civil bills, and to accounting for the same, and to paying the same into the receipt of her Majesty's Exchequer, shall, so far as the same may be applicable, be applied to all fees and emoluments receivable by her Majesty's Exchequer as aforesaid.

22. *Clerk of the Crown or peace to keep an office in assize towns.* Every clerk or temporary clerk of the Crown, clerk or temporary clerk of the peace, and clerk of the Crown and peace for any county or borough shall keep an office in the town in which the assizes for such county shall be holden, or in the said borough; and such office, unless the Lord Chancellor shall otherwise direct, shall be kept open by such officer, or during his necessary absence, by a fit and competent clerk, to be employed by him at his own expense, between the hours of eleven and four o'clock in the day every day, except Sunday, Good Friday, Christmas-day, and such other days as the Lord Chancellor may prescribe; and if any such officer shall neglect to keep such office open on such days and during such time as aforesaid, he may be fined by any judge of assize at any assizes for such county, or by the chairman of the county, such sum, not exceeding ten pounds, as such judge or chairman shall think proper for every such neglect: The grand jury of any county or borough may provide and assign for such office any apartment or apartments in any public court house under the control of such grand jury in such town or borough as aforesaid.

23. *Provision in case of death of officers.* If any clerk or temporary clerk of the crown or clerk or temporary clerk of the peace, or registrar of civil bills, or clerk of the Crown and peace, or deputy of any such clerk or any temporary registrar, shall die or be necessarily absent or become incapacitated from discharging his duties during any assizes, the judges of assize, or one of them, may appoint a fit and proper person to discharge the duties of such officer during such assizes; and if such death, absence, or incapacity shall occur during the holding of any quarter sessions or civil bill court, the chairman may appoint a fit and proper person to discharge the duties of such officer during the holding of such sessions or court, and any person so appointed shall have for the purpose of discharging such duties all the power and authority, and while he shall hold such appointment shall be subject to all the liabilities which the officer so dying, or being absent, or becoming incapacitated would have had, or to which he would have been liable if continuing to act. Every person appointed under this section shall be paid such remuneration as the Lord Chancellor may from time to time by order direct, the same to be paid out of the salary or remuneration provided for the officer whose duties shall be performed by the person so appointed.

24. *Special pensions to present holders of offices.* At any time after the passing of this Act, and notwithstanding the provisions of any other Act of Parliament regulating the grant of pensions or superannuation allowances, the Lord Lieutenant may, with the approval of the Treasury, grant to any clerk of the Crown or clerk of the peace (except the clerk of the peace for the county of Wexford) who shall be in office at the passing of this Act, and shall retire from his office, such annual sum by way of special pension as, having regard to length of service and the other circumstances of each case, he may think fit, not exceeding two-thirds of the entire yearly salary, fees, and emoluments of the office of such person, calculated upon the average of the five years next preceding such retirement, less by the amount of the annual sums (if any) paid by him to, and the emoluments (if any) received by, his deputy; and may also grant in like manner to any such deputy heretofore appointed such annual sum as, having regard to length of service and the other circumstances of each case, he may think fit, not exceeding two-thirds of the entire yearly amount of the sums and emoluments (if any) so payable to or receivable by him, calculated upon the like average; and any sums granted in pursuance of this section shall be presented and paid in

manner herein-before provided, and without any application to presentment sessions.

25. *Registrars of civil bills.* The provisions of this Act as to special pensions shall apply to every person appointed before the twelfth day of February one thousand eight hundred and seventy-seven, and who at the time of the passing of this Act shall hold the office of registrar of civil bills in any borough, and the special pension payable to every such person shall be paid by the Treasury out of such funds as may from time to time be provided by Parliament. Upon the occurrence of the next vacancy after the passing of this Act in each such office, it shall cease and determine. At any time after the passing of this Act, and from time to time until the appointment of a clerk of the Crown and peace for such borough, it shall be lawful for the Lord Chancellor, with the consent of the Treasury, if he shall deem it necessary for the proper discharge of the duties of any such registrar, to appoint by order a fit and proper person to be temporary registrar, and every person so appointed shall hold such office and discharge such duties in relation to the civil bill court or recorder's court of the borough as such order may direct, until he shall die, or resign, or be removed by the Lord Chancellor, or until the appointment of a clerk of the Crown and peace for the borough, whichever shall first happen. From and after the occurrence of the next vacancy after the passing of this Act in each such office of registrar of civil bills, all fees and emoluments which, but for the passing of this Act, would be receivable by or payable to such registrar, and all other fees and emoluments to be levied or paid under the provisions of this Act in respect of the duties of such office heretofore performed by such registrar, or hereafter to be performed by any officer appointed to perform the same, shall be receivable by her Majesty's Exchequer, and shall be collected and paid over in such manner as the Treasury from time to time shall direct; and the several provisions of any Act or Acts with respect to the fixing and collecting of fees taken in any civil bill court or recorder's court, and the paying of the same into the receipt of her Majesty's Exchequer, shall, so far as the same may be applicable, be applied to the fees and emoluments in this section mentioned.

26. *Pensions to officers appointed under his Act.*—22 Viet. c. 26.] The Lord Lieutenant may, with the approval of the Treasury, grant to any clerk of the Crown and peace, or registrar or additional clerk, or other permanent officer appointed under this Act, upon his retirement from office, a pension, the amount whereof shall be ascertained and determined in respect of his service in such office according to the principles of the Superannuation Act, 1859, and which shall be subject to the conditions and provisions of that Act.

27. *Payments by Treasury of salaries, &c., under this Act.* The Treasury shall, out of such funds as may from time to time be provided by Parliament, make the following payments to the persons, and in manner herein-after mentioned, in each and every year:

- (1.) To every person who at the time of the passing of this Act shall hold the office of clerk of the peace or registrar of civil bills such salary, in addition to his other emoluments, as the Treasury, with the concurrence of the Lord Chancellor, shall from time to time direct, having regard to the additional duties which he may hereafter be obliged to discharge:
- (2.) To the several clerks of the Crown and peace the respective salaries in schedule D. to this Act specified: Provided that the Lord Lieutenant and Council may from time to time, having regard to the duties of the several officers, by order vary the amount of any one or more of the said salaries, but not so as to diminish the salary of any officer during his tenure of office, nor so as to increase the total amount in the said schedule mentioned:
- (3.) To every temporary registrar, registrar, and additional clerk appointed under this Act, such salary as the Treasury, with the concurrence of the Lord Chancellor, shall direct, having regard to the duties of the office:
- (4.) Such sums as may from time to time be allowed as herein-before provided for clerical assistance, or other office expenses, to be paid to such persons and in such manner as the Treasury, with the con-

sent of the Lord Chancellor, shall from time to time direct:

(5.) To the several clerks of the Crown and peace, registrars, and additional clerks, and other permanent officers appointed under this Act, to whom pensions may be granted as herein-before provided, the amounts which shall from time to time be payable to them respectively:

(6.) To the process officers of the court such additional salary, if any, as the Treasury, with the concurrence of the chairman of each county, shall from time to time direct.

28. *Provisions regarding the clerk of the peace of the city of Dublin continued pending consolidation.* Until the union of the offices of clerk of the Crown and clerk of the peace for the city of Dublin, the provisions of the Act passed in the session of Parliament held in the twelfth and thirteenth years of the reign of her present Majesty, chapter ninety-seven, in relation to the office of clerk of the peace for the county of the city of Dublin, shall continue in force and shall apply to the person who at the passing of this Act shall hold the said office, and also to any person who may be appointed temporary clerk of the peace for the city of Dublin under the provisions of this Act; but from and after the union of the offices of clerk of the Crown and of clerk of the peace for the county of the city of Dublin all the provisions of this Act shall apply to the office of clerk of the Crown and peace for the city of Dublin, and to the fees and emoluments of the several offices of clerk of the Crown, clerk of the peace, and registrar of civil bills for the city and borough of Dublin.

29. *Chief and assistant clerks of clerk of the peace for Dublin.* Until the union of the offices of clerk of the Crown and clerk of the peace for the city of Dublin, the town council of the borough of Dublin may, with the approval of the Lord Lieutenant, in lieu of and in the same manner as the salaries fixed by the twelfth section of the Act passed in the session of Parliament held in the twelfth and thirteenth years of the reign of her present Majesty, chapter ninety-seven, present and pay to the chief clerk and assistant clerk of the clerk of the peace such salaries as, having regard to the duties of their respective offices and to their length of service, the said town council, with the concurrence of the Lord Lieutenant, shall think adequate.

30. *Officers to make returns of official business.* Every clerk or temporary clerk of the Crown, clerk or temporary clerk of the peace, clerk of the Crown and peace, registrar of civil bills, temporary and other registrar, clerk, and officer herein-before mentioned shall, whenever required so to do, prepare, fill up, and transmit to the chief or under-secretary to the Lord Lieutenant, or to such other person as the chief or under-secretary shall appoint, such schedules, returns, and information relating to the business transacted in his office as shall from time to time be required by the said chief or under-secretary.

PART II.

Equitable Jurisdiction.

31. *Annual value of lands, how ascertained—"Personalty" defined.* Whenever for the purposes of any proceeding under the provisions of this Act it shall be necessary to ascertain the annual value of any lands, such annual value shall in all cases where there shall be a separate valuation of the whole or any part of the lands, under the Acts in force for the time being for the valuation of rateable property in Ireland, be established as to such lands or part thereof by proof of such valuation, and in all cases where there shall not be such a separate valuation of the whole or any part of the lands, then such annual value shall be estimated as to such lands or part thereof according to the principles of valuation prescribed by the said Acts, and may be established by any legal evidence. The expression "annual value" in this Act shall, as to lands, mean the annual value established as herein-before provided. The expression "personalty" in this Act shall not include chattels real unless the contrary be expressed.

32. *Proof of valuation.* In addition to such copies or extracts as under any other statute in that behalf may be received and given in evidence as proof of the valuation of any lands, any copy or extract certified under the hand of the clerk of the union to be a true copy of the valuation of any lands as appearing in the rate book of the union, or any

examined copy thereof, shall be deemed and taken for the purposes of any proceeding in any civil bill court to be sufficient proof of the valuation of such lands until the contrary is shown.

33. *Civil bill courts to have the jurisdiction of the Court of Chancery in certain matters—33 & 34 Viet. c. 93.* The several civil bill courts in Ireland shall, in addition to the jurisdiction now possessed by them, have and exercise all the power and authority of the High Court of Chancery in the suits and matters herein-after mentioned; that is to say,

(a.) In all suits by creditors, legatees, (whether specific, pecuniary, or residuary), devisees (whether in trust or otherwise), heirs-at-law, or next-of-kin, in which the estate against or for an account or administration of which the demand may be made, so far as it is personalty, shall not exceed in amount or value the sum of five hundred pounds, and so far as it consists of lands shall not exceed the annual value of thirty pounds:

(b.) In all suits for the execution of trusts in which the trust estate or fund, so far as it is personalty, shall not exceed in amount or value the sum of five hundred pounds, and so far as it consists of lands shall not exceed the annual value of thirty pounds:

(c.) In all suits for foreclosure, sale, or redemption of, or for enforcing any mortgage charge or lien upon, lands where the mortgage charge or lien shall not exceed in amount five hundred pounds, and the annual value of the lands to which the suit relates shall not exceed thirty pounds:

(d.) In all suits for the specific performance of any agreement for the sale, purchase, or letting of any property, or for the reforming, delivering up, or cancelling any such agreement, where in the case of a sale or purchase, the purchase money shall not exceed five hundred pounds, or in the case of a letting the annual value of the property to which the suit relates shall not exceed thirty pounds:

(e.) In all proceedings under the Married Women's Property Act, 1870, where the property of the married woman shall not exceed in amount or value the sum of five hundred pounds:

(f.) In all suits for the taking of any partnership account, or for the dissolution or winding up of any partnership, in which the whole property, stock, and credits of the partnership shall not exceed in amount or value the sum of five hundred pounds:

(g.) In all proceedings for partition where the property to which the proceedings relate shall not exceed the annual value of thirty pounds:

(h.) In all proceedings by a landlord against a tenant to stay waste, whether an account be prayed or not, where the annual value of the holding to which the proceedings relate shall not exceed thirty pounds:

(i.) In all proceedings under the Trustee's Relief Acts, or under the Trustee Acts, or under any of such Acts, in which the trust property to which the proceedings relate, so far as it is personalty, shall not exceed in amount or value five hundred pounds, and so far as it consists of lands shall not exceed the annual value of thirty pounds:

(k.) In all proceedings relating to the maintenance or advancement or for the protection of the property of an infant, where the property of the infant, so far as it is personalty, shall not exceed in amount or value the sum of five hundred pounds, and so far as it consists of lands shall not exceed the annual value of thirty pounds:

(l.) In all proceedings for orders in the nature of injunctions, where the same are requisite for granting relief in any matter in which jurisdiction is given to the civil bill courts, or for staying proceedings at law to recover any debt provable under a decree for the administration of an estate made by the court to which the application for the order to stay proceedings is made.

34. *Powers and duties of chairman and officers.* In all such suits and matters as aforesaid, every chairman, in addition to the powers and authorities at the passing of this Act possessed by him, shall for the purposes of this Act have all the powers and authorities of a Judge of the High Court of Chancery; and in all matters in which the civil bill court has jurisdiction, under this Act or otherwise, the clerk of the peace, registrar,

and every other officer of the civil bill court shall discharge all such duties as may be prescribed by any rules or orders to be made as herein-after provided, and any other duties which an officer of the Court of Chancery might discharge, either under an order of a judge of such court, or under the practice thereof.

35. *Power to transfer suits to the Court of Chancery.*] The Lord Chancellor on the application of any party to any suit or matter in which jurisdiction is by this part of this Act conferred pending in any civil bill court, may then and there, or, if he shall think fit, after a summons shall have been served upon the other party or parties, transfer such suit or matter to the Court of Chancery, upon such terms (if any) as to security for costs or otherwise as he may think fit.

36. *Power to transfer certain suits commenced in chancery to the civil bill court.*] Where any suit or proceeding shall be pending in the High Court of Chancery which might have been commenced in a civil bill court, any of the parties thereto may apply to the judge to whose court the said suit or proceeding shall be attached to transfer the same to any civil bill court in which the same might have been commenced; and such judge may upon such application, or without such application, if he shall see fit, make an order for such transfer, and may make such order (if any) as to the costs incurred before such transfer, as he may think fit, and thereupon such suit or proceeding shall be carried on in the civil bill court to which the same shall be ordered to be transferred, and the parties thereto shall have the same right of appeal which they would have had if the suit or proceeding had been commenced in such civil bill court.

37. *Transfer to the Court of Chancery of suits exceeding the jurisdiction of the civil bill court.*] If during the progress of any suit or matter pending in a civil bill court under this part of this Act it shall be made to appear to the chairman that the subject matter exceeds the limit of amount or value to which the jurisdiction of the chairman is hereby limited, it shall not affect the validity of any order or decree theretofore made, but unless the parties shall, by a memorandum of consent signed by them or their respective attorneys, consent that the chairman shall proceed in and determine the said suit or matter, the chairman shall direct the said suit or matter to be transferred to the Lord Chancellor, who may regulate the whole of the further proceedings in the said suit or matter when so transferred, and may either retain the said cause within his own jurisdiction for his own decision, or if it shall appear to him for the interest of justice that the same should proceed in the civil bill court where it was commenced may so direct, and such order or consent of the parties shall confer jurisdiction on such court to proceed in and determine such suit or matter, and the decree or order of the civil bill court in any such suit or matter shall be subject to appeal, except in cases of consent in which the memorandum shall otherwise provide.

38. *Payment into the Court of Chancery of legacies to infants or persons beyond seas.*] Any legacy or sum of money to which any person who is an infant or absent beyond seas may be declared entitled by any chairman in any suit or matter may be ordered by the chairman to be paid to the Accountant General of the Court of Chancery, in accordance with the provisions of section thirty-three of an Act passed in the session of Parliament held in the fifty-fourth year of the reign of his late Majesty King George the Third, chapter ninety-two, and the person ordered to pay the same shall, within such time as the chairman shall direct, produce to the clerk of the peace of the county the certificate of the Accountant General of the payment of such money; and if default shall be made in such payment, the chairman may direct a warrant of execution to issue to the sheriff of the county, who, by such warrant, shall be empowered to levy or cause to be levied by distress and sale of the goods and chattels of such person a sum of money equal in amount to the sum which he was ordered to pay to the said Accountant General, with the costs incurred by reason of such default, and the sum so levied shall be paid to and be receivable by the said Accountant General, under the direction of the chairman; and all amounts so paid or transferred into the Court of Chancery, with any dividends thereon, may be invested and may be paid out or transferred to the person or persons entitled thereto, or otherwise applied for his or their benefit, as the Lord Chancellor shall direct.

39. *As to deposit of money paid into court in equitable*

proceedings.] The Lord Chancellor, with the concurrence of the chairman of each county, may from time to time order at what places and in what post office savings banks or other banks moneys paid into court in any equitable proceeding under this Act shall be deposited, and may make rules and regulations for such deposits; and every such deposit, if in a post office savings bank, may be made without restriction as to amount, and without the declaration required by a depositor; and no money when deposited under this Act shall be paid out except upon an order signed by the Lord Chancellor or by the chairman of the court by the order of which the money was deposited.

40. *In what courts proceedings shall be taken—33 & 34 Vict. c. 93.*] Proceedings under the authority of this part of this Act shall be taken in the civil bill courts herein-after mentioned; that is to say,

- (a.) Proceedings relating to the sale, redemption, or partition of any lands, or for enforcing any mortgage charge or lien upon any lands, or which pray an injunction to stay waste upon lands, shall be taken in the civil bill court of the county in which the lands, or any part thereof, shall be situate;
- (b.) Proceedings under the Married Women's Property Act, 1870, shall be taken in the civil bill court within the jurisdiction of which the person or persons making the application, or any of such persons, shall reside;
- (c.) Proceedings for the administration of the assets of a deceased person shall be taken in the civil bill court within the jurisdiction of which the deceased person had his last place of abode or place of business in Ireland, or within the jurisdiction of which the executors or administrators, or any of them, shall reside;
- (d.) Proceedings in partnership cases shall be taken in the civil bill court within the jurisdiction of which the partnership business shall be or have been carried on, or in which the defendants, or any of them, shall reside or carry on business;
- (e.) Proceedings for the specific performance, or for the reforming, cancelling, or delivering up of any agreement shall be taken in the civil bill court within the jurisdiction of which the defendants, or any of them, shall reside, or have a place of business, or in which the property affected, or any part thereof shall be situate;
- (f.) Proceedings under the Trustee's Relief Acts, or under the Trustee Acts, or any of such Acts, shall be taken in the civil bill court within the jurisdiction of which the persons making the application, or any of them, shall reside;
- (g.) Proceedings relating to infants shall be taken in the civil bill court within the jurisdiction of which the infants, or any of them, shall reside;
- (h.) Proceedings not otherwise provided for shall be taken or instituted in the civil bill court within the jurisdiction of which the defendants, or any of them, shall reside or carry on business;

Provided that if during the progress of any such suit, matter, or proceeding it shall be made to appear to the chairman that the same may be more conveniently prosecuted in some other civil bill court, the chairman may, with the consent of the Lord Chancellor, transfer the same to such other civil bill court, and thereupon the suit, matter, or proceeding shall proceed in such other civil bill court.

41. *Partition of lands by the civil bill court in suits for administration—33 & 34 Vict. c. 46.*] In administering the estate of a deceased person the chairman shall not be bound for the purpose of distribution of any landed property to sell and convert the same, but may partition the same among the persons entitled to shares of such estate, and for equality of partition may make a personal decree against any one or more of such persons for any excess in the value of the part or parts allotted to him or them: Provided always, that no partition of any land held subject to any agreement or condition restraining or prohibiting assignment or subdivision or forming part of an estate upon which the assignment or subdivision of holdings, without the consent of the landlord is contrary to or not warranted by the practice prevalent upon such estate, shall be made without the consent in writing of the landlord, or his agent duly authorized in writing. Nor shall any holding charged with any advance

made by the Commissioners of Public Works in Ireland, in manner provided by the "Landlord and Tenant (Ireland) Act, 1870," or by any other statute authorising the advance of public money to tenants upon the security of their holdings, be partitioned without the consent of the said commissioners. An administration suit in the civil bill court may be instituted at any time after the death of the testator or intestate.

42. *Power to re-hear, vary, or rescind decrees and orders.* Any decree or order in a proceeding under this part of this Act, against which no appeal shall be pending, may be affirmed, varied, or rescinded on a re-hearing in any case in which the chairman, upon special grounds, shall think such re-hearing necessary, and on such terms as to costs or otherwise as he shall think fit; but no such re-hearing shall be allowed after the expiration of three years from the making of the decree or order.

43. *Appeals.* If any party to a suit or matter in respect to which jurisdiction is by this part of this Act conferred shall be dissatisfied with any decree, dismiss, order, or direction made therein by a chairman, such party may, within two months after the same shall have been made, appeal therefrom to the Lord Chancellor; provided that such parties shall, within one month after such decree, dismiss, order, or direction shall have been so made or given, give notice of appeal to the other party or his solicitor, and also deposit with the clerk of the peace the sum of ten pounds as security for the costs of such appeal, and the Lord Chancellor may upon such appeal make such decree or order as he shall think proper, or may remit the suit or matter to the chairman with such directions or declarations as to the Lord Chancellor shall seem proper, and may also make such order with respect to the costs of the said appeal as he shall think proper, and such decree or order of the Lord Chancellor shall be without further appeal: Provided that nothing herein contained shall authorise any party to appeal against the decision of a civil bill court given upon any question as to the value of any land or personality for the purpose of determining the question of the jurisdiction of the court under this part of this Act, nor to appeal against the decision of a civil bill court on the ground that the proceedings might or should have been taken in any other civil bill court.

44. *Power of Lord Chancellor to grant injunctions.* During the intervals between the sittings of the civil bill court in any county any party to any suit or proceeding pending in the civil bill court of such county may apply for an injunction to the Lord Chancellor, who shall have the same power to grant an injunction as he would have had if the suit had been instituted in the Court of Chancery; and the granting of any such injunction shall not operate to remove such suit from the civil bill court unless the Lord Chancellor shall otherwise direct.

45. *Power of Lord Chancellor to distribute business.* The Lord Chancellor may, by general order or otherwise, provide for the distribution among the several judges of the Court of Chancery or of the Landed Estates Court of all appeals, suits, proceedings, and matters under the provisions of this part of this Act in or over which jurisdiction is by this part of this Act conferred upon him, and thereupon each of the aforesaid judges shall have the same jurisdiction, power, authority, and discretion, in reference to any such appeal, suit, proceeding, or matter which may be allotted to his court as is by this part of this Act conferred upon the Lord Chancellor.

46. *Contentious probate jurisdiction extended—20 & 21 Vict. c. 79.* When it shall be made to appear that any deceased person, in respect of whose estate a grant or revocation of a grant of probate or of letters of administration shall be applied for, had at the time of his death his fixed place of abode in any county, and that his personality did not at the time of his decease exceed in value the sum of five hundred pounds, exclusive of what the deceased may have been entitled to as a trustee and not beneficially, but without deducting anything on account of the debts due and owing from the deceased, and that the annual value of the lands, if any, of which the deceased at the time of his death was beneficially seised or possessed did not exceed thirty pounds, the chairman of the civil bill court of the county shall, in

addition to the jurisdiction now possessed by him in every such case, have the contentious jurisdiction and authority of her Majesty's Court of Probate in Ireland in respect of questions as to the grant and revocation of probate of the will or letters of administration of the effects of such deceased person in case there be any contention in relation thereto.

The Probates and Letters of Administration Act (Ireland), 1857, and any Acts amending the same, so far as they apply to the exercise of contentious testamentary jurisdiction by such Acts conferred on the civil bill courts, and the provisions as to appeals in such cases, shall apply to the extended jurisdiction by this part of this Act conferred. In all cases of contentious testamentary jurisdiction the chairman shall have power to direct that any issue or issues of fact shall be tried before himself in the civil bill court by a jury.

47. *Power to grant limited administration.* The chairman on being satisfied of the death of any person concerning whose property any suit or proceeding shall be pending in the civil bill court, and that there is no legal personal representative of such person, or no legal personal representative whose services are available for the purposes of such suit or proceeding, and that the personality of such deceased person did not at the time of his decease exceed in value the sum of five hundred pounds, exclusive of what the deceased may have been entitled to as a trustee and not beneficially, but without deducting anything on account of the debts due and owing from the deceased, and that the annual value of the lands of which the deceased at the time of his death was beneficially seised or possessed did not exceed thirty pounds, and that it is necessary or expedient for the purposes of such suit or proceeding that a legal personal representative should be raised to such deceased person, may, by order in writing under his hand, appoint such person as such chairman shall consider proper to be the administrator of such deceased person, limited to the purposes of such suit or proceeding; and upon any such appointment the chairman may impose such terms on the person appointed as to paying or securing the probable amount of any duties payable in respect of the assets of the deceased person, or as to giving security, or as to any other matter relating to the administration of the assets, as to the chairman shall seem expedient, and the person so appointed shall for all such purposes represent such deceased person in the same manner as if such deceased person had died intestate, and administration had been duly granted to the person so appointed of all the personal estate and effects of such deceased person.

48. *Places for exercise of equitable jurisdiction—39 & 40 Vict. c. 71.* The jurisdiction conferred by this part of this Act shall be exercised at such times and in such place or places within each county as may be from time to time ordered by the Lord Lieutenant, with the advice and consent of the Privy Council in Ireland, and the provisions of "The Chairmen of Quarter Sessions (Ireland) Jurisdiction Act, 1876," may be applied to all business to be transacted under the provisions of this Act.

49. *Admiralty jurisdiction in certain places—30 & 31 Vict. c. 114—39 & 40 Vict. c. 28.* It shall be lawful for the Lord Lieutenant in Council, by Order in Council from time to time made after the passing of this Act, to declare that the chairman of Limerick, and the chairman of Waterford, and the recorders of Londonderry and Galway, or any of them, shall have jurisdiction in admiralty causes, and to assign to each such chairman and recorder as his district for admiralty causes any area irrespectively of the districts in which such chairman and recorders respectively shall have (independently of this section) jurisdiction, and in any such case to prescribe the places and times at which local courts for admiralty causes shall be holden, and to direct that such of the provisions of the Court of Admiralty (Ireland) Act, 1867, and the Court of Admiralty (Ireland) Amendment Act, 1876, as may by such order be prescribed shall apply to the said chairman and recorders, and to such local courts as aforesaid.

Each of the said local courts shall have jurisdiction to arrest and to hold to bail, notwithstanding that the amount sued for in the cause shall exceed the limit fixed by the Court of Admiralty (Ireland) Act, 1867, but in such cases

the cause shall in other respects be subject to the provisions of the seventy-seventh section of the said Act, and until the appointment of a clerk of the Crown and peace the clerk of the peace, and after such appointment the clerk of the Crown and peace for the cities of Limerick, Waterford, Londonderry, and Galway respectively shall have the aforesaid jurisdiction to arrest and hold to bail at all times when the civil bill courts of the said cities respectively shall not be sitting, and the registrars of the said chairmen and recorders respectively shall also have the same powers within the jurisdiction in admiralty causes of their respective courts as are conferred on registrars by section forty-six of the Court of Admiralty (Ireland) Act, 1867.

PART III.

Extension of Existing Jurisdiction.

50. *Jurisdiction at law of civil bill courts extended*—14 & 15 Vict. c. 57—33 & 34 Vict. c. 109.] The thirty-fifth section of the Civil Bill Courts (Ireland) Act, 1851, and also the fifth section of the Common Law Procedure Amendment Act (Ireland), 1870, shall be read and construed as if the words fifty pounds were therein substituted for the words forty pounds wherever the words forty pounds occur therein, and the jurisdictions thereby conferred shall be extended accordingly. Where in any action the claim consists of a balance not exceeding the sum of fifty pounds, after an admitted set off of any debt or demand claimed or recoverable by the defendant from the plaintiff, the civil bill court shall have jurisdiction to hear and determine such action.

51. *Jurisdiction in remitted cases*—14 & 15 Vict. c. 57—33 & 34 Vict. c. 109.] The provisions of the one hundredth section of the Civil Bill Courts (Ireland) Act, 1851, shall apply to actions ordered to be tried or remitted for trial in any civil bill court under any of the provisions of the Common Law Procedure Amendment Act (Ireland), 1870, and if the plaintiff in any such action shall have omitted or refused to lodge the order for trial and the summons and plaint as by the said last-mentioned Act prescribed, the defendant may, at any time during the sessions named in such order, lodge with the clerk of the peace certified copies of the said order and summons and plaint for the purpose of having such action dismissed by the chairman, and thereupon the said chairman shall have the same power, jurisdiction, and authority to dismiss the case, and to award costs to the defendant, as if the plaintiff had duly lodged with the clerk of the peace the said order and summons and plaint, and had failed to proceed thereon at the said sessions. The provisions of the sixth section of the Common Law Procedure Amendment Act (Ireland), 1870, shall apply to actions of detainee, and in any such action when remitted for trial in a civil bill court such court shall have the same jurisdiction as to ordering a return of goods or giving other specific relief which might have been exercised by the superior court in which the action was commenced, if the action had not been so remitted. The provisions of the same section may be applied to any action for breach of contract or for any wrong or injury not disconnected with contract, if the plaintiff's claim in such action shall be for unliquidated damages.

52. *Present jurisdiction in remitted cases extended*—33 & 34 Vict. c. 109.] Whenever any action shall be remitted to the civil bill court, pursuant to the provisions of the sixth section of the Common Law Procedure Amendment Act, Ireland, 1870, the civil bill court shall have the same jurisdiction as to the amount of damages to be awarded as might have been exercised by the court in which such action was originally brought.

53. *Extension of jurisdiction in ejectment and questions of title to hereditaments*—14 & 15 Vict. c. 57.] The seventy-ninth section of the Civil Bill Courts (Ireland) Act, 1851, and the Act of the session of Parliament held in the thirty-seventh and thirty-eighth years of the reign of her present Majesty, chapter sixty-six, shall respectively be read and construed as if the words "thirty pounds" were therein substituted for the words "twenty pounds" wherever the words "twenty pounds" occur therein, and the jurisdictions thereby conferred shall be extended accordingly.

54. *Act of 37 & 38 Vict. c. 86, explained and amended.*] In the Act of the session of Parliament held in the thirty-seventh and thirty-eighth years of the reign of her present Majesty, chapter sixty-six, the words "action in which the title to any corporeal or incorporeal hereditaments shall

come in question" shall include and may be applied to any action of ejectment upon the title; and for the purposes of the said Act the annual value of any lands in question shall be estimated and may be established as provided by this Act.

55. *Appeals.*] Any person dissatisfied with any order of dismissal on the merits, or with any order in an ejectment case of dismissal without prejudice, or on the merits, or with any decree, whether adverse to him or in his favour, pronounced by any chairman in exercising the jurisdiction existing at the passing of this Act, or the jurisdiction conferred or extended by this part of this Act, or by the Landlord and Tenant Law Amendment Act (Ireland), 1860, may appeal therefrom within the time, and to the court, and in the manner, and subject to the several conditions prescribed by the Civil Bill Courts (Ireland) Act, 1851, for regulating appeals, provided that the recognizance thereby prescribed may from and after the passing of this Act be entered into before the clerk of the peace or before the chairman, and that the affidavit thereby required to be made by the party or the attorney for the party desiring to appeal shall be no longer necessary.

Upon the hearing of every such appeal the judge may award all or such of the costs and expenses of witnesses in the Court of Appeal, and also all or such of the costs and expenses of witnesses in the civil bill court, to be paid by or to such of the parties to the action as to him shall seem just, and may order any money deposited by any such party with the clerk of the peace, or acting clerk of the peace, or in the hands of the sheriff, to be applied in or towards payment of such costs or expenses, or to be returned to the party lodging the same, or to be otherwise disposed of in accordance with the decree or order made upon appeal, as to such judge shall seem just.

56. *Costs to be discretionary in certain cases.*] Costs shall be in the discretion of the chairman in every case in which the relief granted by him might at any time have been obtained by an order of petty sessions.

PART IV.

General Provisions.

57. *Removal of proceeding to superior court.*] Any action commenced in any civil bill court for any matters hitherto cognisable in one of the superior courts of common law may be removed into the High Court of Justice in the following manner; that is to say,

If the claim made in such action does not exceed five pounds, by order of a divisional court of the High Court of Justice, or a judge of the High Court if such court or judge shall consider it desirable that the same shall be tried in the High Court, and if the party applying for such order shall give security to the satisfaction of one of the masters of the High Court for the amount of the claim and the costs of the trial, not exceeding in all one hundred pounds, and shall further assent to such terms, if any, as the court or judge by whom the application is heard shall think fit to impose.

If the debt or damage claimed shall exceed five pounds, by order of a judge of the High Court of Justice in any case which shall appear to the judge fit to be tried in the High Court, and upon such terms as to payment of costs and giving security for debt and costs, or such other terms as the judge to whom application for the order is made shall see fit, any order made under this section shall have the same effect as a writ of certiorari.

58. *Appeal to divisional court.*] When any divisional court or judge of the High Court of Justice shall have refused to grant such order, no other divisional court or judge shall grant such order, but nothing herein contained shall affect the right of appealing from the decision of one judge to any divisional court.

59. *Decree by default*—14 & 15 Vict. c. 57.] In any action in a civil bill court for a debt or liquidated money demand, the plaintiff, instead of issuing a process in the ordinary form, may (upon lodging with the clerk of the peace an affidavit to the effect set forth in the form in schedule B. to this Act) issue a process to which shall be annexed a notice to the effect set forth in the form in schedule C. to this Act; and if such last-mentioned process and notice be issued, they shall be personally served on the defendant fourteen days at the least before the sessions at which the defendant shall be by such process required to appear; and if the defendant shall

ot, within seven days after service of such process and notice, inclusive of the day of service, give to the clerk of the peace a notice in writing of his intention to defend, signed by himself or his attorney, the chairman may at such sessions, upon proof of the personal service of such process and notice, and upon reading the affidavit lodged as aforesaid, but without further evidence, make a decree against the defendant for the amount of the plaintiff's claim and costs. The defendant may appeal against any such decree in the manner and subject to the conditions and provisions as to payment or lodgment of costs, and as to giving security for the payment of the sum decreed, prescribed by the one hundred and twenty-eighth section of the Civil Bill Courts (Ireland) Act, 1851. Where the defendant shall give such notice of his intention to defend, the clerk of the peace shall, immediately upon the receipt of such notice, send a letter to the plaintiff or his attorney, by post, stating therein that the defendant has given such notice. Where the defendant shall neglect to give such notice of defence within the time limited, but shall appear at the sessions, and prove to the satisfaction of the chairman that he has just grounds of defence upon the merits, and satisfactorily explains his neglect, the chairman may, upon such terms as to him shall seem just, adjourn the hearing either to the next sessions or to any subsequent day during the same sessions, of which adjournment the clerk of the peace shall, in manner aforesaid, give notice to the plaintiff or to his attorney. Where the defendant shall have given notice of defence, or shall have obtained an adjournment as aforesaid, the process shall be entered, tried, and determined in the same manner as if the same had been issued in the ordinary form; and if a decree shall be made for the full amount of the plaintiff's claim (but not otherwise), the plaintiff shall, in addition to the ordinary costs, be entitled to such sum for the costs of the process and notice, and of the affidavit aforesaid, as shall be prescribed by order to be made as herein-after provided.

60. *Re-hearing in case of decree by default.* In any case in which it shall be shown to the satisfaction of the chairman by the defendant against whom any decree by default may have been obtained under the foregoing section that such decree was obtained by fraud, misrepresentation, surprise, or mistake, the defendant may, within such time, in such manner, and subject to such conditions and provisions as may be prescribed by orders to be made as herein-after provided, apply for and obtain a re-hearing, and upon such re-hearing any such decree may be affirmed, varied, or rescinded, as the justice of the case may require.

61. *Form and execution of decrees.* The judgments, decrees, and orders of the civil bill courts shall be in such forms, and shall be entered, recorded, and issued in such manner, and shall be executed by such officers (including under that term sheriffs and under-sheriffs), as shall by rules and orders to be made as herein-after provided be from time to time prescribed.

62. *Moneys in hands of sheriff may be taken in execution.* Any moneys, the proceeds of the execution of any writ or decree belonging to any judgment creditor (including under that term the plaintiff in any civil bill), may, while in the hands of any sheriff, be seized and taken in execution under any writ of fieri facias or civil bill decree against the goods and chattels of such judgment creditor which may be delivered to such sheriff for execution: Provided that nothing herein contained shall affect the right of any person who may have previously obtained an order of any court of law or equity for the attachment or payment of such moneys; and provided further, that the sheriff shall be entitled to his poundage fees on every sum so seized and taken in execution.

63. *Cross decrees may be set off.* If cross decrees of any civil bill court shall be pronounced or made between the same parties, or shall be at the same time unexecuted or only partially executed, the chairman may, on the application of either party, order that such decrees shall be set off against each other, and if of unequal amount, that that decree only upon which the larger sum shall be due shall be issued or executed, as the case may be, and that the same shall be issued or executed only for such sum as shall remain after deducting the sum due upon the other decree.

64. *Power to assignees in bankruptcy to continue action brought.* The bankruptcy of the plaintiff after action brought

shall not cause an abatement of any action or suit in a civil bill court which the assignees might maintain for the benefit of the creditors, if the assignees shall elect to continue the same, and shall give such security for the costs thereof as the chairman may direct, or deposit with the clerk of the peace a sum sufficient to secure such costs within such reasonable time as the chairman shall order; but the hearing of the cause may be adjourned to enable the assignees to make such election, and if they shall not elect to continue the action, or shall not give such security or deposit such sum within the time limited by the order, the defendant may rely upon the bankruptcy of the plaintiff as a defence to the action or suit.

65. *Acknowledgments of deeds by married women may be received by chairman.* Any acknowledgment to be made by any married woman of any deed under an Act passed in the session of Parliament held in the fourth and fifth years of the reign of his late Majesty King William the Fourth, chapter ninety-two, may be received by any chairman in the same manner in which such acknowledgment may be received by a judge of a superior court.

66. *Chairman may appoint next friend or guardian ad litem for infant.* Where any action or suit is brought in a civil bill court on behalf of or against any infant it shall be lawful for the chairman, by any order in writing under his hand, to appoint a next friend or guardian ad litem to act for or on behalf of such infant, and to change any such next friend or guardian ad litem when appointed and to appoint another in his place; and the chairman shall also be empowered to direct any money or other personal property to which such infant may be entitled to be secured or invested for the benefit of such infant, in such manner as the chairman shall consider advisable, and in accordance with the practice of the Court of Chancery in like cases.

67. *Power to strike out cause, giving costs, where court has no jurisdiction.* Whenever an action or suit is brought in a civil bill court which the court has no jurisdiction to try and determine, unless the parties shall by a memorandum signed by them or their respective attorneys, consent that the court shall have power to try and determine the same the chairman shall order the cause to be struck out, and shall have power to award costs in such manner and to such extent, and recoverable by the same means as if the court had jurisdiction in such action or suit, and the plaintiff had not appeared, or had appeared, and failed to prove his demand; but this enactment shall not prejudice the other provisions of this Act as to any suit or matter pending in a civil bill court under part II. of this Act.

68. *Parties may appear in person or by attorney or by counsel, &c.* It may be lawful for the party to the suit or other proceeding in any civil bill court, or for the father or husband of such party by leave of the chairman, or for an attorney or one of her Majesty's superior courts at Dublin, being the attorney on record for such party, but not an attorney retained as an advocate by such first-mentioned attorney, or for a barrister retained by or on behalf of such party, and instructed by his or her attorney on record, but without any right of exclusive audience or pre-audience, to appear and address the court and conduct the case, but subject to such rules and regulations as may from time to time be prescribed for the orderly transaction of the business of the court.

69. *Provisions of Civil Bill Acts as to jurors and witnesses extended to this Act.* The duties and obligations of and upon all jurors, suitors, and witnesses, and their liability to penalty and punishment, shall in any proceeding under this Act be the same as those created, authorised, and imposed by the several statutes for the time being in force relating to civil bill courts.

70. *Affidavits to be sworn before commissioner for taking affidavits, clerk of peace, or justice.* Any affidavit to be used in a civil bill court may be sworn before a commissioner for taking affidavits in any superior court, or before any clerk of the peace, or any justice of the peace, and shall before being used be lodged with the clerk of the peace for the county in which such civil bill court shall be held.

71. *Appointment of temporary chairman in certain cases—14 & 15 Vict. c. 57.* The oath first mentioned in the seventh section of the Civil Bill Courts (Ireland) Act, 1851, shall be no longer in any case required, and in the case of the death or resignation of any chairman a person may be appointed to do

and execute the duty of such chairman during the vacancy of the office, in the same manner and subject to the like provisions as are in the said section provided in the case of sickness or absence of a chairman.

Whenever it shall appear that any chairman is personally interested in any proceeding pending before him, the Lord Chancellor may, by order under his hand, direct that such proceeding shall be heard and determined by or before any other chairman, and the same may thereupon be so heard and determined.

72. *Form of recognizance in appeal from petty sessions—14 & 15 Vict. c. 57.*] In every appeal from an order of justices in any case of summary jurisdiction under the provisions of the twenty-fourth section of the Petty Sessions (Ireland) Act, 1851, the recognizance into which the appellant is thereby required to enter shall be conditioned to prosecute such appeal, and to abide and perform the judgment and order of the court of appeal thereon, and to pay such costs as may be awarded by the said court, and in the case of an order to imprison, not to abscond pending the execution of the original order, or of the judgment or order of the court of appeal, and save as aforesaid shall be in the form prescribed by the said Act. In addition to the powers, jurisdiction, and authority conferred by the Petty Sessions (Ireland) Act, 1851, with respect to appeals, the court before which any such appeal shall be pending shall have power to adjourn the hearing of such appeal, or to remit the matter to the justices at the petty sessions where the original order was made, with such declarations or directions as to the court of appeal shall seem proper, and such justices shall have power to determine the matter when so remitted, having regard to such declarations or directions. Whenever any such appeal shall not have been prosecuted, or the original order shall have been confirmed or varied upon appeal, or either party shall upon such appeal have been ordered to pay costs, the court of appeal shall have and may exercise the same powers, jurisdiction, and authority to issue all necessary and proper warrants for the execution of the original order, or of such varied order, and to enforce the payment of the said costs, as the court which made the original order had or might have exercised when making such order.

73. *Justices on appeal.*] No justice who shall have taken part in the original hearing or decision of any case in which there shall be an appeal from any order of justices shall take part in the hearing or decision of the appeal.

74. *Appeals under the Fishery Acts—14 & 15 Vict. c. 57.*] In case any justice or justices shall, after the passing of this Act, dismiss any complaint made under the provisions of the Act passed in the session of Parliament held in the fifth and sixth years of the reign of her present Majesty, chapter one hundred and six, or of any Act altering or amending the same, either on the merits or without prejudice, if any person prosecuting shall feel aggrieved by such order of dismissal, such person may appeal against such order; and the several provisions of the twenty-fourth section of the Petty Sessions (Ireland) Act, 1851, as amended by this Act, shall extend and may be applied to such appeal: Provided that the amount of the recognizance to be entered into by such appellant shall be such as to the justice shall seem reasonable.

75. *Estreating of recognizances—14 & 15 Vict. c. 57.*] So much of the twenty-fourth section of the Petty Sessions (Ireland) Act, 1851, as provides for the estreating of the recognizances of the party bound to prosecute an appeal shall be and the same is hereby repealed, and from and after the passing of this Act, whenever the party bound to prosecute an appeal against an order to imprison shall have absconded, either before or after the hearing of the said appeal, or before or after the time fixed for the hearing thereof where the same shall not have been prosecuted, or whenever the party bound to prosecute any appeal shall not have abided and performed the order of the Court of Appeal made therein, or whenever the party bound to prosecute an appeal against any order for the payment of any penal or other sum shall not have performed the obligation of his recognizance and shall have no goods whereon to levy the amount of the same by distress, it shall be lawful for the justices at the petty sessions where the original order was made, and after like proof of notice to the parties as in estreating other recognizances in summary

proceedings, to make an order for estreating the recognizance in any such case to such amount as they shall think fit, and for paying out of such amount such sum as shall have been directed to be paid to any party by such original order, or by any order duly made on appeal, as the case may be, and thereupon to issue a warrant in the form (E. a) in the schedule to the said Act annexed for the levy of the same upon the goods of any one or more of the several persons bound thereby. The power conferred by this section upon justices at petty sessions as well as those conferred upon such justices by the thirty-fourth section of the Petty Sessions (Ireland) Act, 1851, may in the police district of Dublin metropolis be exercised by a divisional justice sitting at any of the police courts of the said district.

76. *No conviction to be quashed on the ground of error in the complaint.*] No conviction or order made by any justice or justices shall be held void, or shall be quashed by reason of any defect, omission, or variance in the summons, charge, or information upon which the same shall purport to have been made, provided that such defect, omission, or variance shall not have misled or prejudiced the defendant or have affected the merits of the case, and the justice or justices at the original hearing, or any court of appeal or superior court before whom the decision of any such justice or justices shall afterwards come, may, upon such terms as shall appear just, make any amendment in any summons, charge, or information which shall appear requisite for the purpose of making the conviction or order conformable with the same, or of raising the real question at issue and deciding the case as justice shall require.

77. *Warrants of justices acting under Towns Improvement (Ireland) Act, 1854, 17 & 18 Vict. c. 103—14 & 15 Vict. c. 57.*] The provisions of the Petty Sessions (Ireland) Act, 1851, as to the execution of warrants, shall extend and may be applied to the execution of warrants issued by magistrates appointed under the Towns Improvement (Ireland) Act, 1854; and the term "county" in the Petty Sessions (Ireland) Act, 1851, shall for this purpose be construed to include any town within the boundaries of which any such magistrate shall have the jurisdiction of a justice of the peace.

78. *Exceptions need not be negatived.*] In all cases of summary jurisdiction any exception, exemption, proviso, qualification, or excuse, whether it does or does not accompany the description of the offence complained of, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived no proof in relation to the matters so specified or negatived shall be required from the complainant, unless evidence shall be given by the defendant concerning the same.

79. *Power to make rules and orders—14 & 15 Vict. c. 57.*] For the purpose of carrying this Act into effect, the Lord Chancellor, with the concurrence of the chairmen, or any five of them, to be selected at a meeting of the chairmen convened for the purpose, or in default of such selection to be nominated by the Lord Chancellor, or the major part of such five, may at any time after the passing of this Act make rules and orders for regulating the practice of the civil bill courts and prescribing the forms of proceedings therein, and for regulating appeals and rehearings, and prescribing the forms of proceedings thereon, and for defining the duties of the clerks of the Crown and peace, registrars, and other officers of the civil bill courts, and as to the several matters and things herein-before mentioned, and as to any other matter or thing, whether similar or not to those herein-before mentioned, in respect of which it may be expedient to make rules for regulating the proceedings in and practice of the civil bill courts, and for adapting the same to the constitution, practice, and procedure for the time being of the superior courts, and otherwise for carrying the provisions of this Act into execution, and may from time to time amend such rules, orders, and forms; and every such rule, order, and form certified under the hands of the Lord Chancellor, and any five of the chairmen, shall take effect from and after such day as shall be therein named. The Lord Chancellor, with the concurrence of the recorder of any court, may at any time after the passing of this Act and from time to time make and amend like rules, orders, and forms concerning such recorder's court. The power of making rules and orders conferred by this section shall be

in substitution for the power of making rules, orders, or regulations for the civil bill courts under the provisions of the Civil Bill Courts (Ireland) Act, 1851.

80. *Jurisdiction extended to courts of appeal.*] All jurisdiction, powers, and authorities by this Act conferred upon any civil bill court or chairman are hereby conferred upon and may be exercised by any court or judge engaged in hearing any appeal from any civil bill court, or any special case stated in respect of any suit, matter, or proceeding pending in or of any appeal from any civil bill court.

81. *Salaries and travelling expenses of chairman—33 & 34 Vict. c. 46—14 & 15 Vict. c. 57.*] From and after the passing of this Act, in addition to the salaries heretofore payable to the several chairmen, the Treasury may, with the concurrence of the Lord Chancellor, fix and from time to time pay, to each chairman, out of such funds as Parliament may provide for that purpose, such amount as may appear to be reasonable for the purpose of defraying the travelling expenses incurred in and about the performance of the duties of his office; and from and after the passing of this Act, the additions to the salaries of the chairmen authorised by the Act of the session of the second and third years of the reign of his late Majesty William the Fourth, chapter eighty-eight, and by the sixty-third section of the Landlord and Tenant (Ireland) Act, 1870, shall be payable with and in the same manner as the salaries provided by the Civil Bill Courts (Ireland) Act, 1851, and shall be taken into account accordingly in computing the amount of pension payable to any chairman.

82. *Pensions of chairmen.*] The pension which may be granted to the chairman of any county under the Act of the session of Parliament held in the twenty-first and twenty-second years of the reign of her present Majesty, chapter eighty-eight, shall be calculated upon the salary payable to such chairman at the time of his resignation as chairman of such county, or as chairman of two or more counties united under the authority of this Act.

83. *Fixing and collection of fees and stamp duties—14 & 15 Vict. c. 57.*] The Lord Chancellor, with the concurrence of the chairmen, or any five of them, to be selected or nominated as herein-before provided, or the major part of such five, and with the consent of the Treasury, may, by order, fix the fees to be taken in the civil bill courts in respect of any business under this and any other Acts in force for the time being in such courts, and may, with the like concurrence and consent, alter, reduce, or increase the same from time to time; he may also, with the like concurrence and consent, alter the fees and stamp duties at present taken in those courts and substitute other fees for the same, and where no fees or stamp duties are at present imposed, he may, with the like concurrence and consent, declare and fix whether any and what fees shall be taken, and may from time to time alter, reduce, or increase any fees so fixed or substituted: Provided always, that, in fixing and substituting fees as aforesaid, regard shall be had, where practicable, to the ad valorem principle.

From and after the commencement of this Act all such fees shall be payable (save as otherwise directed by this Act or by such order as aforesaid) into the receipt of her Majesty's Exchequer, and with respect thereto the following rules shall be observed:

- (1.) The fees shall, save as otherwise directed by such order, be taken by stamps, and if not taken by stamps shall be taken, applied, accounted for, and paid over in such manner as may be prescribed by the order:
- (2.) Such stamps shall be impressed or adhesive as the Treasury may from time to time direct:
- (3.) The Treasury, with the concurrence of the Lord Chancellor, may from time to time make such rules as may seem fit for publishing the amount of the fees and regulating the use of such stamps, and for prescribing the application thereof to documents from time to time in use or required to be used in the civil bill courts, and for insuring the proper cancellation of adhesive stamps and for keeping accounts of such stamps:
- (4.) Any document which ought to bear a stamp under this or any other Act, or under any such order, shall not be received, admitted, or used in any civil bill court, or by any officer of any such court

unless or until it is properly stamped, but if any such document shall through mistake or inadvertence be received, admitted, or used without being properly stamped, the court may, if it shall think fit, order that the same be properly stamped, and on such document being stamped accordingly the same and every proceeding relating thereto shall be as valid as if such document had been properly stamped in the first instance, provided that no document shall be stamped as aforesaid contrary to the provisions of any other Act of Parliament for the time being in force, nor without payment of any penalty prescribed by any such Act:

- (5.) Any person who forges or counterfeits any such stamp, or uses any such stamp, knowing the same to be forged or counterfeited, or to have been previously cancelled or used, shall be guilty of forgery, and be liable on conviction to penal servitude for a term not exceeding seven years, or to imprisonment with or without hard labour for a term not exceeding two years:
- (6.) The Commissioners of Inland Revenue shall keep such separate accounts of all moneys annually received from or for stamps under this and any other Acts in force for the time being in the civil bill courts as the Treasury may from time to time direct, and as shall be necessary to ascertain the total amount so received in each year:
- (7.) The Treasury shall keep such separate accounts of all moneys (including moneys received from or for stamps) annually received from fees and duties under this and any other Acts in force for the time being in the civil bill courts, and of all other moneys by this Act made payable into or receivable by her Majesty's Exchequer, as shall be necessary to ascertain the total amount so received in each year, and all the moneys received as aforesaid shall, after deducting any expenses incurred by the Commissioners of Inland Revenue in the execution of this Act, be carried to and form part of the consolidated fund:
- (8.) The Treasury shall keep such separate accounts of all moneys annually payable under the twenty-fifth section of this Act as shall be necessary to ascertain the total amount so paid in each year:
- (9.) The several accounts herein-before directed to be kept for each year shall be presented to Parliament within the year next following.

Subject to the provisions of any order to be made as herein-before provided, the existing fees and stamp duties shall, save so far as is by this Act otherwise expressly provided, continue to be taken, applied, and accounted for as if this Act had not been passed.

When and so soon as the said fees shall have been fixed as herein-before provided, all the provisions contained in the Civil Bill Courts (Ireland) Act, 1851, and the Acts altering, amending, or affecting the same, in reference to the stamps and fees thereby imposed and authorised to be taken, shall, so far as the same may be applicable, extend and be applied to the fees and stamp duties fixed as herein-before provided.

84. *Power to frame a scale of costs and charges.*] The Lord Chancellor, with the concurrence of the chairmen, or any five of them, to be selected or nominated as herein-before provided, may frame and from time to time amend a scale of fees, costs, and charges to be paid to counsel and attorneys in suits and proceedings in the civil bill courts; and such scale or amended scale, certified under the hands of the Lord Chancellor, and any five of the chairmen, shall, from and after such day as shall be fixed thereby, be in force in every civil bill court.

85. *Union of offices of chairman.*] The number of chairmen (including the recorders) shall, so soon as practicable, be reduced to twenty-one, and for the purpose of making such reduction, the Lord Lieutenant may, whenever any office mentioned in schedule H. to this Act shall become or be vacant, by order direct that such office shall be united with any other office or offices in the said schedule specified in that behalf, and the holder for the time being of any such other office or offices appointed after the first day of January one thousand eight hundred and seventy-four, or who shall consent thereto, may thereupon be appointed by

the Lord Lieutenant to the united office, and if such appointment shall not be so made, then whenever such other office or offices shall become or be vacant, and whenever from time to time thereafter the united office shall become or be vacant, the Lord Lieutenant shall appoint one duly qualified person to hold the united office. From and after each such appointment the chairman or other person appointed to the united office shall have and perform all the jurisdiction and duties conferred or imposed by this or any other Act on the holder of each and every office included in the union, and all the provisions of this and any other Act relating to such jurisdiction or duties, or otherwise to the office of chairman of any county included in the union, shall extend and be applied to the united office, and to the jurisdiction and duties of the person for the time being holding the same. Whenever after the passing of this Act any office mentioned in the said schedule shall become or be vacant, and it shall not be deemed expedient or found practicable immediately to unite the office so vacant with any other office with which it is ultimately to be united, or then immediately to appoint one person to the offices so ultimately to be united, the Lord Lieutenant may appoint any chairman appointed after the first day of January one thousand eight hundred and seventy-four, or who shall consent thereto, to be temporary holder of such vacant office, but such appointment shall be determinable by order of the Lord Lieutenant whenever thereafter it shall be deemed expedient and found practicable to appoint one person to the offices so to be united, and the said offices shall from and after such appointment be and remain united. The Lord Lieutenant, by and with the advice and consent of the Privy Council, may for the purpose of equalising the duties of the several chairmen and recorders from time to time by order separate any offices theretofore united, or vary any union or unions in the said schedule specified, or form any other or different union or unions instead thereof, and may include in any such union any office of chairman or recorder, whether mentioned in the said schedule or not: Provided that the number of chairmen, including the recorders, shall not be reduced by the union of offices below twenty-one, and shall not after reduction be in any case again increased.

The annual salary payable to the holder of each such union of offices as aforesaid, and also to the chairman, not being a recorder, of each county not mentioned in the said schedule E., shall be one thousand four hundred pounds per annum, and shall be paid out of the same funds and in the same manner as and in substitution for the salaries theretofore payable to the holders of the several offices included in such union and to the chairmen aforesaid respectively. No additional salary shall be payable to any chairman appointed after the first day of January one thousand eight hundred and seventy-four for or in respect of any jurisdiction or duties conferred or imposed, or hereafter to be conferred or imposed, upon them in bankruptcy or admiralty matters.

Until the number of chairmen shall have been reduced to twenty-one, whenever a vacancy shall occur in the office of chairman of any county, provision shall, if practicable, be made for the discharge of the duties of such office by moving thereto a chairman of some other county, or by means of the powers contained in this section.

86. *Provision as to recorders—Recorders of Dublin—Recorder of Cork—Recorder of Belfast—Recorder of Londonderry—Recorder of Galway—Pensions to recorders.* The several provisions of the last preceding section shall extend and be applied to the existing and any future recorders of the cities of Dublin, Cork, and Londonderry and of the towns of Belfast and Galway respectively, with the modifications following; (that is to say,)

- (1.) The office of recorder of the city of Dublin shall, upon the next vacancy in the office of chairman of the county of Dublin, be united with that office, and the holder of the united office shall be styled the Recorder of Dublin. From and after such union of offices, the salary of the recorder of Dublin shall be two thousand five hundred pounds per annum, and shall be paid to him in substitution for all other emoluments of his office, out of the same fund and on the same days and times as the salaries of chairmen of counties; and the borough fund of the city of Dublin shall, upon such union of offices, cease to be chargeable with the payment

of any sum to or in respect of the salary of the recorder, but all other emoluments of his office and any fees which shall be payable in respect of business transacted in the court of such recorder, shall, subject to the other provisions of this Act, be paid or credited to and receivable by her Majesty's Exchequer, and shall be accounted for as the Treasury shall from time to time direct:

- (2.) The office of recorder of the city of Cork shall, whenever practicable, be united with the office of chairman of the east riding, and the holder of the united office shall be styled the recorder of Cork. From and after such union of offices the salary of the recorder of Cork shall be two thousand pounds per annum, and shall be paid to him in substitution for all other emoluments of his office, out of the same fund and on the same days and times as the salaries of chairmen of counties; and the borough fund of the city of Cork shall, upon such union of offices, cease to be chargeable with the payment of any sum to or in respect of the salary of the recorder, except any special pension which may become payable as herein-after provided; but all other emoluments of his office, and any fees which shall be payable in respect of business transacted in the court of such recorder, shall, subject to the other provisions of this Act, be paid or credited to and receivable by her Majesty's Exchequer, and shall be accounted for as the Treasury shall from time to time direct:
- (3.) The office of recorder of the town of Belfast shall, whenever practicable, be united with the office of chairman of the county of Antrim, and the holder of the united office shall be styled the recorder of Belfast and county court judge and chairman of Antrim. From and after such union of offices the salary of the holder of the united office shall be two thousand pounds per annum, and shall be paid to him in substitution for all other emoluments of his office, out of the same fund and on the same days and times as the salaries of chairmen of counties; and the borough fund of the town of Belfast shall, upon such union of offices, cease to be chargeable with the payment of any sum to or in respect of the salary of the recorder, except any special pension which may become payable as herein-after provided; but all other emoluments of his office, and any fees which shall be payable in respect of business transacted in the court of such recorder shall, subject to the other provisions of this Act, be paid or credited to and receivable by her Majesty's Exchequer, and shall be accounted for as the Treasury shall from time to time direct:
- (4.) The office of recorder of the city of Londonderry shall, whenever practicable, be united with the office of chairman of the county of Londonderry, and the holder of the united office shall be styled the recorder of Londonderry. From and after such union of offices the salary of the recorder of Londonderry shall be one thousand five hundred pounds per annum, and shall be paid to him in substitution for all other emoluments of his office, out of the same fund and on the same days and times as the salaries of chairmen of counties; and the borough fund of the city of Londonderry shall, upon such union of offices, cease to be chargeable with the payment of any sum to or in respect of the salary of the recorder, except any special pension which may become payable as herein-after provided; but all other emoluments of his office, and any fees which shall be payable in respect of business transacted in the court of such recorder, shall, subject to the other provisions of this Act, be paid or credited to and receivable by her Majesty's Exchequer, and shall be accounted for as the Treasury shall from time to time direct:
- (5.) The office of recorder of the town of Galway shall, whenever practicable, be united with the office of chairman of the county of Galway, and the holder of the united office shall be styled the recorder

of Galway. From and after such union of offices the salary of the holder of the united office shall be one thousand five hundred pounds per annum, and shall be paid to him in substitution for all other emoluments of his office, out of the same fund and on the same days and times as the salaries of chairmen of counties, and all the other emoluments of his office, and any fees which shall be payable in respect of business transacted in the court of such recorder, shall, subject to the other provisions of this Act, be paid or credited to and receivable by her Majesty's Exchequer, and shall be accounted for as the Treasury shall from time to time direct.

Until each respective union of offices herein-before provided, the several recorders aforesaid shall be entitled to receive the same salaries, to be paid out of the same funds and in the same manner as if this Act had not been passed.

From and after each respective union of offices herein-before provided, the respective holders of the united offices shall hold the same upon the like conditions, and with the like rights as to pension and otherwise, and with the like powers, and in the same manner in all respects as chairmen of counties. No additional salary shall after such union be payable to any of the herein-before mentioned recorders for or in respect of any jurisdiction or duties conferred or imposed, or hereafter to be conferred or imposed, upon them in bankruptcy or admiralty matters.

The Lord Lieutenant, by and with the advice and consent of the Privy Council, and with the concurrence of the Treasury, upon provision being made for the union of each of the offices of recorder of the city of Cork and of the town of Belfast and of the town of Galway and of the city of Londonderry respectively, with the office of chairman, may grant to each of the said several recorders who shall be in office at the passing of this Act, and who shall retire from his office, any annuity by way of special pension not exceeding, in the case of each of the recorders of Belfast, Cork, and Londonderry, the full amount of the salary theretofore payable to such recorder out of the borough fund, and such special pension shall thenceforth be paid to such recorder during his life out of the borough fund in the same manner as such salary would have been paid thereof if he had not retired from his office and this Act had not been passed; and not exceeding in the case of the recorder of Galway the full amount of the salary theretofore payable to such recorder, and such special pension shall thenceforth be paid to such recorder during his life in the same manner and out of the like funds as such salary would have been paid if he had not retired from his office and this Act had not been passed.

87. *Temporary allowances.*] The Lord Lieutenant, with the consent of the Treasury, may fix an additional salary to be paid to each temporary chairman in respect of his duties as such, and the additional salary so fixed shall be paid out of the moneys to be provided by Parliament for such purpose in addition to any other salary to which such chairman may be entitled, notwithstanding the provisions of any Act of Parliament limiting the amount of the salary of a chairman, but so long only as his appointment as such temporary chairman shall continue.

88. *Special pensions.*] For the purpose of expediting the permanent union of counties, the Lord Lieutenant, with the concurrence of the Lord Chancellor and of the Treasury, may make to any chairman appointed before the first day of January one thousand eight hundred and seventy-four, who shall be willing to retire, a grant by way of special pension not exceeding two thirds of his salary, notwithstanding the conditions imposed by any other Act on the grant of a pension.

Provided that at any time previous to the first day of January, 1880, and until the number of chairmen shall have been reduced to twenty-one, notwithstanding any such conditions as aforesaid, it shall be lawful for the Lord Lieutenant, with the concurrence of the Lord Chancellor and of the Treasury, to grant to any such chairman who shall have served as chairman for fifteen years or upwards, or who shall show to the satisfaction of the Lord Lieutenant and Treasury that the discharge of the additional duties imposed upon him by this Act would deprive him of professional emoluments, which if this Act had not been passed

he would have received, such special pension not exceeding three fourths of his salary, as, having regard to the circumstances of each case, shall to the Lord Lieutenant and Treasury appear just and reasonable.

89. *Rules, &c., to be submitted to Parliament.*] Any rules, orders, and scales of fees made, framed, and issued in pursuance of any of the foregoing provisions of this Act shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act, and shall be judicially noticed, and the same shall be laid before Parliament within three weeks after they are made if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament: Provided always, that if either of the Houses of Parliament shall, within the next subsequent one hundred days on which either of the said Houses shall have sat, resolve that the whole or any part of such rules, orders, or scales of fees ought not to continue in force, in such case the whole or such part thereof as shall be so included in such resolution shall thereupon become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

90. *Power to appoint times for holding sessions, &c., for union—14 & 15 Vict. c. 57.*] Whenever two or more counties shall have been united under the provisions of this Act, the Lord Lieutenant, notwithstanding anything contained in the Civil Bill Court (Ireland) Act, 1851, or any other Act, or any previous appointment in that behalf, may, by and with the advice and consent of the Privy Council in Ireland, from time to time by order appoint the times and places at which and the districts or divisions for which the general or quarter sessions of the peace and civil bill court or civil bill court only shall be held in and for each county and division included in such union, and may by like order provide that any sessions or court may be held for any such county or division in any neighbouring and convenient court house or place not locally situate within the boundaries of such county or division, and may also upon any union of offices provide for the transfer to like employment in connection with the united office of all or any officers theretofore employed in connection with any office included in the union, and for the continuance to any existing officers, so long as they shall perform the same or like duties as theretofore, of the same fees and emoluments to which but for such union they would have been entitled.

Every such order shall be published in the "Dublin Gazette," and shall thereupon become and be as valid and effectual for all purposes as if the same were enacted in this Act; but any such order may be rescinded or varied by any subsequent order made and published in like manner.

91. *Holding of courts and providing court-houses—14 & 15 Vict. c. 57.*] The Lord Lieutenant, notwithstanding anything contained in the Civil Bill Court (Ireland) Act, 1851, or any other Act, or any previous appointment in that behalf, may, by and with the advice and consent of the Privy Council in Ireland, from time to time, by order be made and published as herein-before provided, direct and appoint that the courts for the transaction of all or any part of the civil business, and for the exercise of all or any part of the civil jurisdiction, of the several chairmen shall be held such number of times in every year and in all or such of the towns or places now appointed, or which may hereafter be appointed, for holding the same, as by such order as aforesaid shall in each case be prescribed in that behalf; and in any town or place in which there may not be a suitable and convenient court-house, and in which any such court as aforesaid may at any time be directed or appointed to be held, provision may be made for the erection of a suitable and convenient court-house, or for the alteration, so as to make the same suitable and convenient, of any existing court-house; in such town or place, in the like manner and for such purpose, the like proceedings, directions, and presentations may be taken, given, and made as are prescribed by the seventieth section of an Act passed in the session of Parliament holden in the sixth and seventh years of the reign of his late Majesty King William the Fourth, chapter one hundred and sixteen, in respect of the sessions houses in the said section mentioned.

92. *Certain chairmen not to practise.*] No person who after the passing of this Act shall be appointed chairman of any county or of any permanent union of counties shall

practise at the bar, or as a special pleader, or equity draftsman, or be directly or indirectly concerned as a conveyancer, notary public, solicitor, or attorney.

SCHEDULES.

SCHEDULE A.

REPEAL OF STATUTES.

Act.	Extent of Repeal.
1 Geo. 4, c. 27 . . .	The whole Act.
6 & 7 Will. 4, c. 34 . .	Sec. 11.
14 & 15 Vict. c. 57 . .	Sec. 12.

SCHEDULE B.

AFFIDAVIT TO OBTAIN A DECREE BY DEFAULT.

In the Civil Bill Court of the county of

Division of

Between

A.B., plaintiff,

and

C.D., defendant.

I, A.B., of (a), make oath and say that C.D., of (a) [(a) here insert residence, occupation, and description], is indebted to me in the sum of £ for (b) [(b) here add the particulars of the debt in full, specifying the nature and date of each dealing from which the debt arose, and if the action is brought upon any negotiable instrument or other document, make an exhibit thereof, and in every case state fully the consideration for the debt claimed. State whether any and what applications for payment have been made, and whether any and what payments have been made on account]. The full sum of £ is now due and payable by the said C.D. to me, over and above all just credits and allowances, and no part thereof has been in any manner paid, satisfied, or discharged.

NOTE.—[The affidavit may be made by a clerk or person other than the creditor, if the creditor is unable to make the same, and if the deponent has personal knowledge of the matters stated, but not otherwise; when the affidavit is not made by the creditor, alter the above form wherever necessary, and add an explanation to the effect following.]

I am in the employment of A.B. [state the relation between the deponent and the plaintiff, as the case may be, and the deponent's means of knowledge]. The said A.B. is unable to make this affidavit [state cause of inability], and I am duly authorized by him to make this affidavit, and it is within my own knowledge that the aforesaid debt was incurred at the time, and in the manner, and for the consideration above stated, and the full sum of £ to the best of my knowledge and belief, is now due and payable to the said A.B. by the said C.D., over and above all just credits and allowances, and no part thereof has been in any manner paid, satisfied, or discharged.

NOTE.—The address of the plaintiff or of his attorney to which notice of intention to defend may be sent by post shall be stated at foot of the affidavit.

SCHEDULE C.

FORM OF NOTICE to be served upon the Defendant with the CIVIL BILL PROCESS, where the Plaintiff seeks a decree by default.

"Between

A.B., plaintiff,

and

C.D., defendant.

Take notice, that if you intend to defend this process, or if you dispute the whole or any part of the plaintiff's claim, you must, within seven days after the service of this process upon you, inclusive of the day of such service, give or send to the clerk of the peace at [place of office], a notice of your intention to defend, to the effect given below, dated, and signed by yourself or your attorney, and if you fail to give or send such notice, the plaintiff may, without giving any further proof in support of such claim than the affidavit lodged by him with the clerk of the peace, obtain a decree against you for the sum of £ , and his costs. If you give or send such notice to the clerk of the peace within the time specified, you must also enter a defence to the process and appear in the ordinary way.

Dated this day of

To the defendant.

(See below.)

NOTICE OF INTENTION TO DEFEND.

In the Civil Bill Court of the county of

Division of
Between

A.B., plaintiff,

and

C.D., defendant.

I intend to defend this process.

Dated this day of

Signed by

Defendant or his Attorney."

SCHEDULE D.

SALARIES OF CLERKS OF THE CROWN AND PEACE.

	County, &c.	Salary.
Class i.	1. Dublin city and county ...	£ 1,200
	2. Cork city and county ...	1,100
	3. Antrim (including Belfast and Carrickfergus) ...	1,100
" ii.	4. Tyrone county ...	1,000
	5. Mayo " ...	1,000
	6. Kerry " ...	1,000
	7. Tipperary " ...	1,000
	8. Down " ...	1,000
	9. Donegal " ...	1,000
	10. Limerick county and city ...	1,000
" iii.	11. Galway county and town ...	1,000
	12. Londonderry county and city ...	900
	13. Armagh county ...	900
" iv.	14. Clare " ...	800
	15. Leitrim " ...	800
	16. Roscommon " ...	800
	17. Sligo " ...	800
	18. Cavan " ...	800
	19. Monaghan " ...	800
	20. Fermanagh " ...	800
	21. Wexford " ...	800
" v.	22. Waterford county and city ...	700
	23. Kilkenny county and city ...	700
" vi.	24. Queen's county ...	600
	25. Longford " ...	600
	26. King's " ...	600
	27. Meath " ...	600
	28. Louth and Drogheda ...	600
	29. Kildare county ...	600
" vii.	30. Carlow " ...	500
	31. Westmeath " ...	500
	32. Wicklow " ...	500
Total amount of salaries of clerks of the crown and peace		£236,100

SCHEDULE E.

UNION OF OFFICES OF CHAIRMAN.

Offices to be united.

1. Chairman of Fermanagh and chairman of Leitrim.
2. Chairman of Monaghan and chairman of Cavan.
3. Chairman of Armagh and chairman of Louth (including Drogheda).
4. Chairman of Sligo and chairman of Roscommon.
5. Chairman of Longford, chairman of Meath, chairman of Westmeath, and chairman of King's County.
6. Chairman of Queen's County, chairman of Kilkenny (including the city of Kilkenny), and chairman of Waterford (including the city of Waterford).
7. Chairman of Kildare, chairman of Carlow, chairman of Wicklow, and chairman of Wexford.

CAP. LVIII.

An Act for the constitution of a Supreme Court of Judicature, and for other purposes relating to the better Administration of Justice, in Ireland.

[14th August, 1877.]

[As this Act will be already in the hands of every member of the profession in Ireland it is deemed unnecessary to re-print it here at length.]

CAP. LVIII.

An Act to continue for one year the Police (Expenses) Act, 1875. [14th August, 1877.]

CAP. LIX.

An Act to amend the Law with respect to the Transfer of Stock forming part of the Public Debt of any Colony, and the Stamp Duty on such Transfer. [14th August, 1877.]

Be it enacted, &c. :

Application of Act.

1. *Registration by colony with Commissioners of Inland Revenue of colonial stock to which this Act applies.* Where provision has been made by the Legislature of a colony and otherwise for the inscription and transfer in a register kept in the United Kingdom by some bank, colonial officer, or person (which bank, officer, or person is in this Act referred to as the registrar) of any stock forming the whole or part of the public debt of such colony, and the Government of such colony cause a declaration under the seal of such colony, or by some person in that behalf authorised under that seal, stating such provision, and identifying the stock with respect to which it has been made, to be left with the Commissioners of Inland Revenue, those commissioners, upon payment of the proper fee, shall record the same; and such record and declaration shall be open to inspection at all reasonable times, in manner directed by the said commissioners, upon payment of the proper fee.

Upon such declaration being recorded, this Act shall apply to the stock specified in the declaration, and this Act shall not apply to any colonial stock not specified in a declaration recorded as provided by this section.

The proper fee for the purposes of this section shall be such fee not exceeding, in the case of recording a declaration, five pounds, and in the case of inspection five shillings, as the Commissioners of her Majesty's Treasury from time to time fix, and shall be paid into the Exchequer.

Stamp Duty on Colonial Stock to which this Act applies.

2. *Stamp duty on stock to which this Act applies.* On the transfer in the register, whether on sale or otherwise, of colonial stock to which this Act applies, there shall be charged, in lieu of any other stamp duty, a stamp duty of two shillings and sixpence for every full sum of one hundred pounds, and also for every fraction less than one hundred pounds, or over and above one hundred pounds or a multiple of one hundred pounds, of the nominal amount of stock transferred :

Provided that a transfer made for effecting the appointment of a new trustee shall not be charged with any higher duty than ten shillings.

3. *Composition for stamp duty on transfer of stock to which this Act applies.* Upon payment to the Commissioners of Inland Revenue by the Government of a colony by way of composition for the stamp duty on the transfer of the stock of that colony to which this Act applies, of seven shillings and sixpence for every full sum of one hundred pounds and for every fraction less than one hundred pounds, or over and above one hundred pounds or a multiple of one hundred pounds, of the nominal amount of such stock inscribed in the name of each and every stockholder, transfers of the stock in respect of which such composition has been paid shall be exempt from stamp duty.

The registrar shall from time to time give to the Commissioners of Inland Revenue such information as they may require respecting the stock of any colony inscribed in the register kept by him.

Transfers and Dividends.

4. *Transfer of colonial stock to which this Act applies.* Colonial stock to which this Act applies, while inscribed in a register kept in the United Kingdom, shall be transferred as follows :

- (1.) The transfer shall be made only in the register, and shall be signed by the transferor,—or, if he is absent, by his attorney thereunto lawfully authorised by some writing executed under his hand and seal and attested :

- (2.) The transferee may, if he thinks fit, underwrite his acceptance of the transfer :

- (3.) The executors or administrators of a deceased stockholder shall alone be recognised by the registrar as having any title to the stock or any dividend thereon :

- (4.) The person becoming entitled to any stock or dividend thereon in consequence of the death, bankruptcy, or marriage of the stockholder, or of any devolution in law from the stockholder, or otherwise than by transfer of the stock, shall produce such evidence of his title as may be reasonably required by the registrar, but the person so becoming entitled to any stock may transfer such stock to another person without being registered himself.

5. *Closing of register for dividend.* The registrar may, for such period not exceeding fourteen days as he may from time to time fix previous to each payment of dividend on any colonial stock to which this Act applies, close the register of that stock as regards transfers, upon giving not less than seven days notice of such closing by advertisement in some newspaper circulating generally in the place where the register is kept.

The persons who on the day of such closing are inscribed as stockholders shall as between them and their transferees of colonial stock be entitled to the dividend then next payable thereon.

6. *Dividends in case of infancy, &c., of a joint stockholder*—5 § 6 Will. 4, c. 62.] Where colonial stock to which this Act applies is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability, a letter of attorney for the receipt of the dividends on the stock shall be sufficient authority in that behalf, if given under the hand and seal of the person not under disability, and attested.

The registrar, before acting on the letter of attorney, may require proof to his satisfaction of the alleged infancy or unsoundness of mind, by the declaration of competent persons made under the Statutory Declarations Act, 1835, or in such other manner as he may reasonably require.

Stock Certificates to Bearer.

7. *Stock certificate to bearer.* The registrar, if so authorised by the Government of a colony issuing stock to which this Act applies, shall on application and payment of the fees and stamp duty, if any, chargeable in respect of the certificate, grant to a stockholder a certificate (in this Act called a stock certificate to bearer) which shall entitle the bearer to the stock therein described, and shall be transferable by delivery.

There shall be attached to such certificate coupons entitling the bearer or person named in the coupons to the dividends on the stock for a limited period.

Any stock in respect of which a stock certificate to bearer has been so issued shall, so long as such certificate is outstanding, cease to be dealt with through the medium of the register.

A coupon so issued shall be deemed to be a cheque on a banker within the meaning of any law or enactment for the time being in force relating to cheques other than any enactment relating to stamp duties.

8. *Stamp duty on stock certificate to bearer.* Where a composition has not been paid in respect of the stamp duty chargeable on the transfer of any stock to which this Act applies, a stock certificate to bearer issued in respect of that stock shall be charged with a stamp duty of two shillings and sixpence for every full sum of one hundred pounds, and also for every fraction less than one hundred pounds, or over and above one hundred pounds or a multiple of one hundred pounds, of the nominal amount of stock described in such certificate.

9. *Renewal of coupons or certificate.* On the expiration of the period for which the coupons attached to a stock certificate to bearer have been issued under this Act, the certificate may be exchanged for another certificate with coupons for a further period : Provided that the certificate issued in exchange, if the stamp duty has not been compounded, shall be duly stamped, but in such case the Commissioners of Inland Revenue shall, on production to them of both certificates duly stamped, and subject to such regulations as they may from time to time make, grant allowance for the stamp on the former certificate.

10. *Conversion into nominal stock of stock in certificate to bearer.*] On delivery to the registrar of a stock certificate to bearer issued under this Act and of all unpaid coupons belonging thereto, the registrar shall enter the bearer in the register as proprietor of the stock described in the certificate, and thereupon that stock shall become transferable and the dividends thereon payable as if no stock certificate to bearer had been issued in respect of that stock.

11. *Conversion of stock certificate to bearer into nominal certificate.*] If the bearer of a stock certificate to bearer issued under this Act insert therein the name, address, and quality of some person, such certificate shall cease to be transferable, and the person so named, or some person deriving title from him by devolution in law, shall alone be recognised by the registrar as entitled to the stock described in the certificate, and shall be entitled to be entered in the register as proprietor of that stock in like manner as if he were the bearer of a stock certificate to bearer, but if deriving his title by devolution in law he shall produce such evidence of his title as the registrar may reasonably require.

12. *Trustee not to apply for stock certificate to bearer.*] A trustee shall not apply for or hold a stock certificate to bearer issued under this Act, unless expressly authorised to do so by the terms of his trust. But this provision shall not impose on the registrar an obligation to inquire whether a person applying for a stock certificate to bearer is or is not a trustee, or subject the registrar to any liability in the event of his issuing a stock certificate to bearer to a trustee, or invalidate any stock certificate to bearer issued.

13. *Loss of stock certificate to bearer.*] If any stock certificate to bearer issued under this Act is lost, mislaid, or destroyed, the registrar shall, on such indemnity being given as he may reasonably require, and on payment of the expense of the issue, issue a fresh stock certificate to bearer in the place of the certificate so lost, mislaid, or destroyed.

14. *Stock in certificate to bearer to have incidents of other stock, except as to transfer, &c.*] Stock described in a stock certificate to bearer issued under this Act shall, save as relates to the mode of transfer and payment of dividends, be subject to the same incidents in all respects as if it had continued to be transferable in the register.

Registrar.

15. *Notice of trust.*] No notice of any trust in respect of any colonial stock, or of any certificate thereof, or of any coupon annexed to such certificate, shall be entered in the register or receivable by the registrar or by the Government of the colony.

16. *Entry in register of conditions and regulations.*] The registrar may, before the inscription of any stock, make with respect to the transfer of such stock, or otherwise in relation to such stock, reasonable regulations not inconsistent with the provisions of this Act.

A printed copy of the documents containing the authority for and conditions of the issue of stock to which this Act applies, and of all regulations with respect to the transfer of such stock or otherwise in relation to such stock, shall be entered in the register of the stock.

17. *Register to be evidence.*] The register kept in pursuance of this Act shall on its mere production from the custody of the registrar be evidence of all matters entered therein; and, as regards persons entered therein as proprietors of colonial stock to which this Act applies, of the title of those persons to that stock.

18. *Information to be given respecting register.*] The registrar shall keep in a separate book a list of the stockholders on whose stock the dividends have been unclaimed for ten years, together with their registered addresses and description, and such list shall be open for inspection at the usual hours of transfer upon payment of such fee, not exceeding two shillings and sixpence, as may be fixed by the regulations.

The registrar shall give within a reasonable time after application a certificate stating the following particulars in relation to any colonial stock of which he is registrar, or any part of such stock, or such of those particulars as may be required by the applicant, namely,—

- (a.) The total amount issued by the colony, and the total inscribed in the register; and
- (b.) The total number of the persons in whose names the stock or part is originally inscribed, or after the register of such stock or part has been once closed as regard transfers, the total number of the stockholders at the last preceding date at which the transfer books were closed; and
- (c.) The total number of each class of persons in whose names the stock or part is originally inscribed, or after the register of the stock or part has been once closed as regards transfers of each class of stockholders at the last preceding date at which the transfer books were closed, the classification being according to the amount held, omitting fractions of two hundred pounds; and
- (d.) A copy or extract certified by the registrar or by some officer appointed for the purpose to be a true copy or extract of any conditions or regulations required by this Act to be entered in the register.

Provided that the registrar shall not be required to give any such certificate in relation to any colonial stock, or part of such stock, until after the expiration of one month after the stock or part of the stock to which the certificate relates has been inscribed.

Within a reasonable time after the application of any person who is a stockholder of any colonial stock to which this Act applies, the registrar shall give him a list of the registered names and addresses of the stockholders of such stock at the last preceding date at which the register was closed as regards transfers.

The registrar before giving a certificate or list under this section may require payment of such fee not exceeding five shillings and a further sum of twopence for every folio of seventy-two words, or in the case of a list of names and addresses of sixpence for each name and address, as the registrar may from time to time fix.

Any certificate or list given under this section shall be admissible in evidence.

Miscellaneous.

19. *Particulars to be contained in prospectus, certificates, &c.*] The declaration respecting colonial stock to which this Act applies, recorded with the Commissioners of Inland Revenue, and the document containing the conditions of the issue of the stock, and every prospectus and notice inviting persons to subscribe for or take the stock, and every stock certificate to bearer, and every coupon and dividend warrant and every other certificate and document issued to a stockholder in relation to stock held by him, shall state that the revenues of the colony alone are liable in respect of the stock and the dividends thereon, and that the Consolidated Fund of the United Kingdom and the Commissioners of her Majesty's Treasury are not directly or indirectly liable or responsible for the payment of the stock or of the dividends thereon, or for any matter relating thereto, and if the Commissioners of her Majesty's Treasury require the statement to be made in any particular terms, those terms shall be adopted.

A declaration not in conformity with this section shall not be recorded, and every person publishing or issuing or entering in the register any such document, prospectus, notice, stock certificate, coupon, warrant, certificate, or document as aforesaid not in conformity with this section shall be liable to a penalty not exceeding fifty pounds.

20. *Jurisdiction of courts as to colonial stock.*] In any legal proceeding in a court in the United Kingdom in relation to the register of colonial stock to which this Act applies, or to an entry in or omission from such register, or to a right or title to or interest in any such colonial stock, or any dividend thereon, the jurisdiction of such court shall not be objected to on the ground only that the registrar is the agent of a colonial Government, and the registrar, whether a party or not to such proceeding, shall comply with any order made by such court in relation to the matters aforesaid.

Any person claiming to be interested in colonial stock to which this Act applies, or in any dividend thereon, may present a petition of right in England in relation to such stock or dividend, and the like proceedings may be had upon such petition as in the case of any other petition of right, subject to this qualification, that the certificate of the judgment, decree, rule, or order of the court may be left with the registrar instead of with the Commissioners of her Majesty's

Treasury, and such judgment, decree, rule, or order shall be complied with by the registrar or other agent of the colonial Government having possession in England of moneys of such Government instead of by the Commissioners of her Majesty's Treasury.

21. *Forgery of transfers of stock and of stock certificates, and personation of owners of stock, &c.*—33 & 34 Vict. c. 58.] For the purposes of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of her present Majesty, chapter ninety-eight, intituled "An Act to consolidate and amend the Statute Law of England relating to indictable offences by forgery," colonial stock to which this Act applies shall be deemed to be capital stock of a body corporate.

The Forgery Act, 1870, shall apply to a stock certificate and a coupon issued in pursuance of this Act, and to colonial stock to which this Act applies, in like manner as it the same were a stock certificate, coupon, or stock mentioned in that Act.

22. *Stock to which Act applies to be personal estate.*] Colonial stock to which this Act applies shall be personal estate, and shall not be liable to any foreign attachment by the custom of London or otherwise.

23. *Fees.*] The registrar may charge such fees (if any) in respect of any certificate issued under this Act with reference to colonial stock and in respect of any transfer thereof in the register, and otherwise in respect of any act done by the registrar with respect to such stock, as may be fixed by the Government issuing the stock, not exceeding in any case five shillings.

All fees charged by the registrar in pursuance of this Act may be retained by him for his own use.

24. *Control of discretion of registrar.*] Any discretion or power vested by this Act in the registrar shall, subject to any agreement between the registrar and the Government of the colony issuing the stock inscribed in the register kept by such registrar, be exercised subject to and in accordance with the directions of that Government.

25. *Saving for transfer of stock to colony.*] Nothing in this Act shall prevent any colonial stock inscribed in the register being transferred upon the application of the stockholder to a register in the colony or elsewhere.

26. *Definitions — Statutory Declarations Act, 1835.*] In this Act, unless the context otherwise requires,

The expression "colony" means any dominion, colony, island, territory, province, or settlement situate within her Majesty's dominions, but not within the United Kingdom, the Channel Islands, or Isle of Man, and not forming part of India as defined for the purposes of the Acts for the time being in force relating to the Government of India; and for the purposes of this Act the whole of the dominion, colonies, islands, territories, provinces, and settlements under one central Legislature, and also such part of the said dominion and such of the said colonies, islands, territories, provinces, and settlements as is under a local Legislature is deemed to be a colony:

The expression "Legislature" means any bodies or body of persons or person who can exercise legislative authority in a colony, and where there are local Legislatures as well as a central Legislature, includes both each of the local Legislatures and the central Legislature;

The expression "colonial stock" includes any share or interest in colonial stock:

The expression "register" includes any books kept by the registrar for the purpose of colonial stock in which the names and addresses of the several persons for the time being entitled to such stock, and the amounts to which they are entitled, and the transfers thereof, are entered:

The expression "stockholder" means a person holding colonial stock, being entered as proprietor thereof in the register kept under this Act:

The expression "person" includes a corporation:

The Act of the session of the fifth and sixth years of the reign of her present Majesty, chapter sixty-two, intituled "An Act to repeal an Act of the present session of Parliament, intituled 'An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the State, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affi-

davits; and to make other provisions for the abolition of unnecessary oaths," is in this Act referred to, and may be cited in any declaration made thereunder for the purposes of this Act, as the Statutory Declarations Act, 1835.

27. *Short title.*] This Act may be cited as the Colonial Stock Act, 1877.

CAP. LX.

An Act to provide for the Registration and Regulation of Canal Boats used as Dwellings.

[14th August, 1877.]

Be it enacted, &c.:

1. *Registration of use of canal boat as dwelling.*] After the expiration of twelve months after the commencement of this Act, or if the regulations of the Local Government Board herein-after mentioned have not at that time come into force, then after the expiration of six months from the date at which they have come into force, a canal boat shall not be used as a dwelling unless it has been registered in accordance with this Act.

The owner of a canal boat may register that boat with the registration authority herein-after mentioned as a dwelling for such number of persons of the specified age and sex as may be allowed under the provisions of this Act; and the boat shall be used as a dwelling only for the number of persons of the age and sex for which it is registered.

If a canal boat is used as a dwelling in contravention of this Act, the master of the boat, and also the owner of the boat, if he is in fault, shall each be liable to a fine not exceeding twenty shillings for each occasion on which the boat is so used.

2. *Local Government Board to make regulations for registration, fixing number of persons, promoting cleanliness, and preventing infectious disease.*] The Local Government Board shall make regulations, and may from time to time revoke and vary such regulations—

- (1.) For the registration of canal boats under this Act, including certificates of registration, and the fees in connection with such registration; and
- (2.) For the lettering, marking, and numbering of such boats; and
- (3.) For fixing the number, age, and sex of the persons who may be allowed to dwell in a canal boat, having regard to the cubic space, ventilation, provision for the separation of the sexes, general healthiness, and convenience of accommodation of the boat; and
- (4.) For promoting cleanliness in and providing for the habitable condition of canal boats; and
- (5.) For preventing the spread of infectious disease by canal boats.

The registration authority shall register every canal boat which conforms to the conditions of registration provided by the said regulations for the number of persons allowed by those regulations to dwell therein.

3. *Certificate of registry and lettering and numbering of boat.*] Upon the registry of a boat under this Act, the registration authority shall give to the owner thereof two certificates of registry, identifying the owner and the boat, and stating the place to which the boat is registered as belonging, and the number, age, and sex of the persons allowed to dwell in the boat, and such other particulars as may be provided by regulations under this Act, or may seem fit to the registration authority, and the master shall have the care of one of such certificates.

Every canal boat when registered shall be lettered, marked, and numbered in some conspicuous manner (as directed by the regulations made under this Act), and such lettering, marking, and numbering shall include the word "registered," and the name of the place to which the boat is registered as belonging, and the registered number.

Any boat not lettered, marked, and numbered in conformity with this section, or having the letter, mark, or number altered, defaced, or obliterated, shall be deemed, for the purposes of this Act, to be an unregistered canal boat.

4. *Power of sanitary authority for prevention of infectious disease in canal boats.*—38 & 39 Vict. c. 55.] Where any sanitary authority within whose district a canal or any part of a canal is situate is informed by the master of a canal

boat or otherwise that a person on a canal boat is suffering from an infectious disorder, the authority shall cause such steps to be taken as may by the certificate of their medical officer of health, or of any other legally qualified practitioner, appear requisite for preventing the said disorder from spreading, and for that purpose may exercise the power of removing a person suffering as aforesaid, and all other powers in relation to provisions against infection conferred by the Public Health Act, 1875, and may also, if need be, detain the boat; but such boat shall not be detained a longer time than is necessary for cleansing and disinfecting the same.

5. *Authorised persons may enter boat, &c.*] Where any person duly authorised by a registration or sanitary authority or by a justice of the peace, has reasonable cause to suppose, either that there is any contravention of this Act on board a canal boat, or that there is on board a canal boat any person suffering from an infectious disorder, he may, on producing (if demanded) either a copy of his authorisation, purporting to be certified by the clerk or a member of the sanitary authority, or some other sufficient evidence of his being authorised as aforesaid, enter by day such canal boat and examine the same and every part thereof, in order to ascertain whether on board such boat there is any contravention of this Act, or a person suffering from an infectious disorder, and may, if need be, detain the boat for the purpose, but for no longer time than is necessary.

The master of the boat shall, if required by such person, produce to him the certificate of registry (if any) of the boat, and permit him to examine and copy the same, and shall furnish him with such assistance and means as such person may require for the purpose of his entry and examination of and departure from the boat in pursuance of this section.

A refusal to comply with the requisition of such person under this section shall be deemed to be an obstruction of such person.

If such person is obstructed in the performance of his duty under this Act in the case of any boat, the person so obstructing shall be liable to a fine not exceeding forty shillings.

6. *Education of children dwelling on board canal boats—33 & 34 Vict. c. 75—36 & 37 Vict. c. 86—39 & 40 Vict. c. 79.*] A child in a canal boat registered in pursuance of this Act, and his parent, shall for the purposes of the Elementary Education Acts, 1870, 1873, and 1876, be deemed, subject as herein-after mentioned, to be resident in the place to which the boat is registered as belonging, and shall be subject accordingly to any byelaw in force under the said Acts in that place.

Provided that if the parent satisfies the School Board or school attendance committee having authority in that place, that the child is actually attending school, or is under efficient instruction in accordance with the said Acts, in some other school district, the said board or committee shall grant him without charge a certificate to that effect, and thereupon he and his child shall be deemed for the purposes aforesaid to be resident in the school district in which the child is so attending school, or under efficient instruction, and shall be subject to any byelaw in force therein.

The said certificate may on application by the parent be rescinded or varied by the School Board or school attendance committee for the place to which the boat is registered as belonging, and may be rescinded without application by any such board or committee, if they are satisfied, after due notice to the parent, that his child is not properly attending school or under efficient instruction in the school district mentioned in the certificate.

7. *Registration authority—33 & 34 Vict. c. 75—36 & 37 Vict. c. 86—39 & 40 Vict. c. 79.*] For the purpose of the registration of canal boats the registration authority shall be such one or more of the sanitary authorities having districts abutting on a canal as may from time to time be prescribed by regulation of the Local Government Board.

A canal boat shall be registered with some registration authority having a district abutting on the canal on which such boat is accustomed or intended to ply.

With a view of determining the place to which a canal boat belongs, for the purposes of the Elementary Education Acts, 1870, 1873, and 1876, the registration authority shall register any canal boat in respect of which an application

is made for registration as belonging to some place which is either a school district or is part of a school district, and is situate wholly or partly within the jurisdiction of the registration authority with which it is registered.

8. *Expenses of sanitary authority—38 & 39 Vict. c. 55—18 & 19 Vict. c. 120.*] The expenses incurred in the execution of this Act by a local authority shall be defrayed as follows:

(1) When they are incurred by an urban sanitary authority, a rural sanitary authority, or a port sanitary authority, they shall be defrayed out of the fund or rate out of which the expenses of such authority, as a sanitary authority under the Public Health Act, 1875, are defrayed; provided that when they are incurred by a rural sanitary authority they shall be deemed to be general expenses; and

(2) When they are incurred by a vestry or district board in the metropolis they shall be defrayed as expenses incurred by such vestry or board in the execution of the Metropolis Management Act, 1855, and the Acts amending the same.

9. *Regulations to be laid before Parliament.*] An order of the Local Government Board making, revoking, or varying any regulation in pursuance of this Act shall not come into force until it has lain in a complete form as settled and approved by the Board for forty days before both Houses of Parliament during the session of Parliament.

The Local Government Board shall take steps for enabling all persons interested in any regulations made by that Board in pursuance of this Act to obtain copies thereof at such places in the neighbourhood of canals as the Local Government Board may prescribe, on payment of such sum not exceeding sixpence as may be prescribed by that Board.

10. *Illegal detention of certificate of registry.*] If the master of any canal boat illegally detains the certificate of registry of such boat, he may, on summary conviction before two justices, be directed by order of such justices to deliver up such certificate, and shall, in addition thereto, be liable to a fine not exceeding forty shillings, and the justices may direct any part of such fine to be paid to the person injured by the detention of such certificate.

11. *Application of fees under this Act.*] All fees paid in respect of registration under this Act shall be carried to the fund or rate out of which the expenses incurred in the execution of this Act by the authority making such registration are by this Act declared to be payable.

12. *Power of canal company, &c., to establish schools.*] Any company or association, corporate or unincorporate, being the owners of any canal boats, or being the owners, lessees, or undertakers of any canal, may, with the assent of a special resolution of their members, and notwithstanding any Act of Parliament, charter, or document regulating the funds of the company or association, appropriate any portion of their funds to the establishment and maintenance, or establishment or maintenance, of a school or schools wherein the children of the persons employed in canal boats may be lodged, maintained, and educated, or educated only; with this restriction, that the children shall not be maintained gratuitously, but the lodging or education may be wholly or partially gratuitous.

A "special resolution" shall for the purposes of this Act mean a resolution passed in manner provided by the fifty-first section of the Companies Act, 1862.

13. *25 & 26 Vict. c. 89—Recovery of penalties.*] Offences under this Act may be prosecuted, and fines under this Act may be recovered on summary conviction before two justices having jurisdiction, either in the place to which the boat in respect of which the offence was committed is registered as belonging, or in the place where the offence is committed, or in the place where the alleged offender for the time being is, in manner provided by the Act of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three, intitled, "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and the Acts amending the same.

1. *Definitions*—18 & 19 Vict. c. 120—38 & 39 Vict. c. 55—17 & 18 Vict. c. 104.] In this Act, unless the context otherwise requires—

The expression "sanitary authority" means an urban sanitary authority, a rural sanitary authority, or a port sanitary authority; provided that in the case of the parishes mentioned in schedule A. and the districts mentioned in schedule B. to the Metropolis Management Act, 1855, so far as they are not within the jurisdiction of a port sanitary authority, the vestry of any such parish and the district board of any such district elected under the Metropolis Management Act, 1855, and the Acts amending the same, shall be deemed to be sanitary authorities, and where other sanitary authorities are by this Act empowered to exercise powers conferred by the Public Health Act, 1875, may exercise similar powers conferred by any Act of Parliament extending to such parishes or districts:

The expression "parent" includes guardian, and every person who is liable to maintain or has the actual custody of any child:

The expressions "urban sanitary authority" and "rural sanitary authority" and "port sanitary authority" have the same meaning as in the Public Health Act, 1875:

The expression "canal" includes any river, inland navigation, lake, or water being within the body of a county, whether it is or not within the ebb and flow of the tide:

The expression "canal boat" means any vessel, however propelled, which is used for the conveyance of goods along a canal as above defined, and which is not a ship duly registered under the Merchant Shipping Act, 1854, and the Acts amending the same:

The expression "owner" includes a person who, though only the hirer of a canal boat, appoints the master and other persons working such boat:

The expression "master" in relation to a canal boat means the person having for the time being command or charge of the boat.

15. *Commencement of Act.*] This Act shall come into operation on the first day of January one thousand eight hundred and seventy-eight, which day is in this Act referred to as the commencement of this Act.

16. *Extent of Act.*] This Act shall not extend to Scotland or Ireland.

17. *Short title.*] This Act may be cited as the Canal Boats Act, 1877.

CAP. LXI.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-eight, and to appropriate the supplies granted in this session of Parliament.

[14th August, 1877.]

CAP. LXII.

An Act to amend the Law relating to Legal Practitioners.

[14th August, 1877.]

Whereas it is expedient to amend the law relating to legal practitioners:

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as "The Legal Practitioners Act, 1877."

2. *Surrogates or persons other than qualified practitioners not to act as such in preparing papers for obtaining or opposing grants of probate or letters of administration*—37 & 38 Vict. c. 68.] Any surrogate or other person not being a qualified practitioner who for or in expectation of any fee, gain, or reward, either directly or as the agent of any other person whether a qualified practitioner or not, takes instructions for or draws or prepares any papers on which to found or oppose a grant of probate or of letters of administration, shall be guilty of an offence within the meaning of the twelfth section of the Attorneys and Solicitors Act, 1874; but nothing in this section contained shall be construed to affect any remedy against any such person under any other Act or Acts whatsoever.

3. *Interpretation clause.*] The term "qualified practitioner" in this Act means and includes any serjeant-at-law, barrister-at-law, certificated solicitor, proctor, notary public, certificated conveyancer, special pleader, or draftsman in equity.

4. *Extent of Act.*] This Act shall not extend to Scotland or Ireland.

CAP. LXIII.

An Act to amend the Building Societies Act, 1874.

[14th August, 1877.]

Whereas it is expedient to amend the laws relating to Building Societies:

Be it enacted, &c.:

1. *Short title, &c.*—37 & 38 Vict. c. 42—38 & 39 Vict. c. 9.—This Act shall be construed as one with "The Building Societies Act, 1874" (herein termed "the principal Act"), and "The Building Societies Act, 1875," and may be cited as "The Building Societies Act, 1877," or together with the said Acts, as "The Building Societies Acts."

2. *Societies may change their chief offices*—Notice of such change to be sent to registrar.] Any society under the principal Act may change its chief office in the manner its rules direct, or if there be no such direction, then at a general meeting specially called for the purpose, in the manner set forth in the rules of the society; and no alteration of rule shall be necessary upon such change, nor shall the provisions of section eighteen of the principal Act apply to such change. Notice of every such change shall be given by the secretary of the society to the registrar within seven days after such change, and shall be registered by him, and he shall give a certificate of such registration.

3. *Amendment of 37 & 38 Vict. c. 42, s. 27.*] Section twenty-seven of the principal Act shall be read as if the word "now" were omitted therefrom.

4. *Rights held in trust to vest in societies.*] All rights of action and other rights and interests in real and personal estate whatsoever held in trust for any society heretofore incorporated under the principal Act shall, on the passing of this Act, vest in the society without any conveyance or assignment whatsoever, except in the case of stocks and securities in the public funds of Great Britain and Ireland, and estates in copyhold or customary hereditaments the title to which cannot be transferred without admittance.

5. *Registration of union of societies or of transfer of engagements to operate as effectual conveyance of funds and property of uniting societies to the united society and to society to which engagements are transferred.*] The registration by the registrar of the notice of the union of any societies, or of the transfer of the engagements of any society to another society, in terms of and subject to the provisions of section thirty-three of the principal Act, shall operate as an effectual conveyance, transfer, and assignment, as at the date of the said registration, of the funds, property, and assets of the societies so uniting to the united society, or of the society transferring its engagements to the society to which such engagements may be transferred, as may be set forth in the instrument of union or transfer of engagements, without any conveyance, transfer, or assignment whatsoever, save and except in the case of stocks and securities in the public funds of Great Britain and Ireland, and estates in copyhold or customary hereditaments the title to which cannot be transferred without admittance: Provided always, that such union or transfer of engagements shall not affect the rights of any creditor of either or any society uniting or transferring its engagements.

6. *Forms in schedule to be used.*] The forms in the schedule to this Act shall henceforth be used under the Building Societies Acts.

SCHEDULE.

CERTIFICATE OF INCORPORATION.

The Registrar of Building Societies in [England, Scotland, or Ireland] hereby certifies that the Building Society, established at _____, in the county of _____

is incorporated under "The Building Societies Act, 1874."

This day of , 18 .

[Seal of Central Office, or signature of
Assistant Registrar of Friendly Societies.]

CERTIFICATE OF REGISTRATION OF ALTERATION OF RULES.

The Registrar of Building Societies in [England, Scotland, or Ireland] hereby certifies that the foregoing alterations of [or addition to] the rules of the Building Society, established at , in the county of , are registered under "The Building Societies Act, 1874."

This day of , 18 .

[Seal of Central Office, or signature of
Assistant Registrar of Friendly Societies.]

CERTIFICATE OF REGISTRATION OF CHANGE OF NAME.

The Registrar of Building Societies in [England, Scotland, or Ireland] hereby certifies that the registered name of the Building Society, established at , in the county of , is changed from the date hereof to the name following:

This day of , 18 .

[Seal of Central Office, or signature of
Assistant Registrar of Friendly Societies.]

CERTIFICATE OF ALTERATION OF CHIEF OFFICE.

The Registrar of Building Societies in [England, Scotland, or Ireland] hereby certifies that the registered chief office of the Building Society, established at , in the county of , is changed from the date hereof to the office or place following:

This day of , 18 .

[Seal of Central Office, or signature of
Assistant Registrar of Friendly Societies.]

CAP. LXIV.

An Act to continue certain Turnpike Acts in Great Britain, and to repeal certain other Turnpike Acts; and for other purposes connected therewith.

[14th August, 1877.]

CAP. LXV.

An Act to prohibit the use of Dynamite or other explosives for the purpose of catching or destroying fish in public fisheries.

[14th August, 1877.]

Be it enacted, &c.:

1. *Short title.* This Act may be cited as the Fisheries (Dynamite) Act, 1877.

2. *Prohibition of the use of dynamite in public fisheries.* Any person who uses dynamite or other explosive substance to catch or destroy fish in a public fishery shall be liable on summary conviction either to a fine not exceeding twenty pounds, or, in the discretion of the court, to be imprisoned, with or without hard labour, for a term not exceeding two months.

3. *Offences committed on sea coast, where to be tried.* Any offence committed under this Act, on the sea coast or at sea, within one marine league of the coast, shall be deemed to be committed in a public fishery, and if beyond the ordinary jurisdiction of any court of summary jurisdiction, shall be deemed either to have been committed on the land abutting on such sea coast or adjoining such sea, or to have been committed in any place where the offender is found, and may be tried and punished accordingly.

4. *Definition of "summary conviction"—27 & 28 Vict. c. 53—14 & 15 Vict. c. 93.* "Summary conviction" in this Act means, as to England, "a conviction before two justices in petty sessions"; as to Scotland, a conviction under "The Summary Procedure (Scotland) Act, 1864"; as to Ireland, a conviction under "The Petty Sessions (Ireland) Act, 1851," or any Acts in force for the like purpose in the police district of Dublin metropolis, or any Acts amending such Acts.

CAP. LXVI.

An Act to amend the Law with respect to the Annual Returns of Local Taxation in England, and for other purposes relating to such Taxation.

[14th August, 1877.]

28 & 24 Vict. c. 51.] Whereas by the Local Taxation Returns Act, 1860, and other Acts, local authorities or their officers are required to make annually to one of Her Majesty's principal Secretaries of State, or to the Local Government Board, returns of their receipts and expenditure, and of any rates, taxes, tolls, or dues levied by them, and it is expedient to make further provision respecting such returns:

Be it therefore enacted, &c.:

1. *Date for annual return of local taxation.* The annual return required by law to be made of any receipts or expenditure of a local authority, or of any rates, taxes, tolls, or dues, shall be made for the financial year ending on the twenty-fifth day of March, or on such other day as the Local Government Board may from time to time prescribe, upon the application of any particular authority in respect of their receipts and expenditure, or of any rates, taxes, tolls, or dues levied by them, or in respect of the receipts and expenditure and of the rates, taxes, tolls, or dues levied by any class of authorities.

Every such return shall be sent to the Local Government Board and not to one of Her Majesty's principal Secretaries of State, and shall be so sent within one month after the audit of the receipts and expenditure to which the return relates is completed, or if the audit is not completed within six months after the end of the financial year for which the return is to be made, then on the expiration of such six months, or if there is no audit, then within one month after the end of the said financial year.

For the purpose of any such return the date to which the accounts of any local authority are required by law to be made up, and the date at which such accounts are required by law to be audited, and auditors are required to be elected or appointed, may be altered by the local authority, with the approval of the Local Government Board: Provided that nothing in this section shall prevent any accounts being made up and audited at shorter periods than twelve months, so that one of such shorter periods ends on the last day of the financial year for which the return of such accounts is to be made.

2. *Obligation of clerk of local authority to send return.* Every return to which this Act applies shall be made by the clerk of the local authority, or where no clerk is appointed or acting, by the treasurer or other officer keeping the accounts of the receipts and expenditure, rates, taxes, tolls, or dues, to which the return relates, and any such clerk, treasurer, or other officer who makes default in making any such return shall be liable to a penalty not exceeding twenty pounds for each offence, to be recovered by action on behalf of Her Majesty in the High Court of Justice.

3. *Definition of "local authority."* The expression "local authority" in this Act means any justices, municipal or other corporation, board of guardians, sanitary authority, vestry, commissioners, inspectors, trustees, or other body of persons required by law to make to one of Her Majesty's principal Secretaries of State, or to the Local Government Board, a return of their receipts and expenditure, or of any rates, taxes, tolls, or dues levied by them or under their direction.

4. *First return under Act.* The first return under this Act shall be made for the financial year ending in the year one thousand eight hundred and seventy-eight, and the Local Government Board shall make such provision as may seem to them necessary for the change of the date of the accounts and audit of the accounts of any local authority which may be rendered necessary by the provisions of this Act, so as to cause as little inconvenience as possible to the local authority.

5. *Short title.* This Act may be cited as the Local Taxation Returns Act, 1877.

The Act of the session of the twenty-third and twenty-fourth years of the reign of her present Majesty, chapter fifty-one, intitled "An Act to provide for an annual return of rates, taxes, tolls, and dues levied for local purposes in England," may be cited as the Local Taxation Returns Act, 1860, and that Act and this Act may be cited as the Local Taxation Returns Acts, 1860 and 1877.

CAP. LXVII.

An Act to continue various expiring laws.

[14th August, 1877.]

CAP. LXVIII.

An Act for preventing the introduction and spreading of Insects destructive to Crops. [14th August, 1877.]

Be it enacted, &c. :

Great Britain.

1. *Power to Privy Council to make orders for preventing introduction of destructive insects.* The Lords and others of her Majesty's most Honourable Privy Council (in this Act referred to as the Privy Council) may from time to time make such orders as they think expedient for preventing the introduction into Great Britain of the insect designated as *Doryphora decolinatea*, and commonly called the Colorado beetle.

Any such order, if the Privy Council think fit, may prohibit or regulate the landing in Great Britain of potatoes, or of the stalks and leaves of potatoes, or other vegetable substance, or other article, brought from any place out of Great Britain, the landing whereof may appear to the Privy Council likely to introduce the said insect into Great Britain, and may direct or authorize the destruction of any such article, if landed.

If any person lands or attempts to land any article in contravention of any order under this Act, such article shall be liable to be forfeited in like manner as goods the importation whereof is prohibited by the Acts relating to the customs are liable to be forfeited; and the person so offending shall be liable, according to those Acts, to such penalties as are imposed on persons importing or attempting to import goods the importation whereof is prohibited by those Acts.

2. *Power to Privy Council to make orders for preventing spreading of destructive insects—32 & 33 Vict. c. 96.* The Privy Council may from time to time make such orders as they think expedient for preventing the spreading in Great Britain of the said insect.

Any such order may, if the Privy Council think fit, direct or authorise the removal or destruction of any crop of potatoes or other crop or substance on which the said insect in any stage of existence is found, or to or by means of which the said insect may appear to the Privy Council likely to spread, and the entering on any lands for the purpose of such removal or destruction, or for the purpose of any examination or inquiry authorised by the order, or for any other purpose of the order.

Any such order may, if the Privy Council think fit, prohibit the keeping, selling, or exposing or offering for sale, or the keeping of living specimens of the said insect, in any stage of existence, or the distribution in any manner of such specimens.

Any such order may impose penalties for offences against the order, not exceeding ten pounds for any offence; and those penalties shall by virtue of this Act be recoverable, with costs, on summary conviction before two justices of the peace, and shall be applied as penalties recovered under the Contagious Diseases (Animals) Act, 1869, are applicable.

3. *Compensation for crops.* Where by any order under this Act the Privy Council direct or authorise the removal or destruction of any crop, they may direct or authorise the payment by the local authority of compensation for the crop; and the local authority shall pay the same, subject and according to the following provisions:

(1.) In the case of a crop on which the said insect, in any stage of existence, is found, the compensation shall not exceed one-half of the value of the crop.

(2.) In every other case the compensation shall not exceed three-fourths of the value of the crop.

(3.) The value of the crop shall in each case be taken to be the value which, in ordinary circumstances, the crop would have had at the time of its removal or destruction.

(4.) The local authority may, if they think fit, require the value of the crop to be ascertained by their officers or by arbitration.

(5.) The local authority may, if they think fit, withhold compensation if, in relation to the crop, the owner or the person having charge thereof, has, in their judgment, done

anything in contravention of, or failed to do anything in compliance with, any order under this Act.

4. *Local authorities and execution of Orders of Council.* The local authorities under the Contagious Diseases (Animals) Act, 1869, with their respective districts, local rates, clerks, and committees, shall be in like manner local authorities for the purposes of this Act.

The Privy Council may, if they think fit, require a local authority to carry into effect any Order of the Privy Council under this Act.

The expenses incurred and compensation paid by a local authority in pursuance of any order under this Act shall be paid by them out of the local rate.

Every local authority shall keep, in such manner and form as the Privy Council from time to time by order direct, a record relative to proceedings in pursuance of any order under this Act, stating the date of the removal or destruction of any crop or substance, and other proper particulars, which record shall be admitted in evidence.

5. *Publication of Orders of Council.* Every Order of the Privy Council under this Act shall be published, if it relates to England, in the London Gazette, and, if it relates to Scotland, in the Edinburgh Gazette; save that, where the order affects only specified lands, the insertion in the London or Edinburgh Gazette (as the case may require) of a notice of the making of the order shall be sufficient.

Any Order of the Privy Council under this Act shall be published by any local authority, to whom it is sent by the Privy Council for publication, in such manner as the Privy Council direct, and, subject to, or in the absence of, any such direction, in such manner as the local authority think sufficient and proper to insure publicity.

6. *Exercise of powers of Act by Privy Council.* The powers by this Act conferred on the Privy Council may be exercised by any two or more of the Lords and others of the Privy Council, and, as regards the making of orders affecting only specified lands, may be exercised by the Lord President or one of her Majesty's principal Secretaries of State.

Ireland.

7. *Application of Act to Ireland—14 & 15 Vict. c. 90.* The foregoing provisions of this Act shall apply to Ireland, as if Ireland were named therein instead of Great Britain, but subject to the provisions of this section:

(1.) The powers conferred on the Privy Council shall be vested in the Lord Lieutenant, or other chief governor or governors, of Ireland, acting by the advice of her Majesty's Privy Council in Ireland.

(2.) The local authorities shall be the boards of guardians of the several poor law unions.

(3.) The expenses incurred and compensation paid by a local authority shall be paid by the treasurer of the union out of union funds, that is to say, out of any money in his hands to the credit of the guardians of the union, and if there is not sufficient money in his hands, then out of the money next received by him and placed to their credit.

(4.) Penalties (other than penalties recoverable under the Acts relating to the customs) shall be recovered in a summary manner, and shall be applied according to the provisions of the Fines Act (Ireland), 1851, and any Act amending the same.

(5.) Orders shall be published in the Dublin Gazette.

General.

8. *Orders to be laid before Houses of Parliament.* Every order under this Act shall be laid before both Houses of Parliament within ten days after the making thereof, if Parliament is then sitting, and if not, then within ten days after the next meeting of Parliament.

9. *Expenses of Act.* The expenses of the execution of this Act, other than expenses and compensation paid by local authorities, shall be paid out of money to be provided by Parliament.

10. *Short title.* This Act may be cited as the Destructive Insects Act, 1877.

CAP. LXIX.

An Act to amend the Law with respect to the Grant of Municipal Charters. [14th August, 1877.]

Be it enacted, &c. :

1. *Short title.* This Act may be cited as "The Municipal Corporations (New Charters) Act, 1877."

2. *Definition of "Municipal Corporation Acts," and short titles.* In this Act the expression "Municipal Corporation Acts" means the Acts mentioned in the first schedule to this Act, so far as they are unrepealed, and any Act hereafter to be passed amending those Acts, or any of them, and each of the Acts in the said schedule may be cited by the short title in that schedule mentioned.

3. *Power to Crown in granting charter to borough to extend to it the provisions of the Municipal Corporation Acts.* If on the petition to her Majesty of the inhabitant householders of any town or towns or district in England, or of any of those inhabitants, praying for the grant of a charter of incorporation, her Majesty, by the advice of her Privy Council, thinks fit by charter to create such town, towns, or district, or any part thereof specified in the charter, with or without any adjoining place, a municipal borough, and to incorporate the inhabitants thereof, it shall be lawful for her Majesty by the charter to extend to that municipal borough and the inhabitants thereof so incorporated the provisions of the Municipal Corporation Acts.

4. *Reference to Committee of Council and notice of petition for charter.* Every petition for a charter under this Act shall be referred to a committee of the Lords of her Majesty's Privy Council (in this Act referred to as the Committee of Council).

One month at least before the petition is taken into consideration by the Committee of Council, notice thereof and of the time when the same will be taken into consideration by the Committee of Council shall be published in the London Gazette, and otherwise in such manner as may be directed by the Committee of Council for the purpose of making the same known to all persons interested.

5. *Power by charter to settle wards and by fixing dates and otherwise to adapt the Municipal Corporation Acts to first constitution of new borough—5 & 6 Will. 4, c. 76.* Where her Majesty by a charter extends the Municipal Corporation Acts to a municipal borough it shall be lawful for her Majesty, by the charter, to do all or any of the following things:

- (1) To fix the number of councillors, and to fix the number and boundaries of the wards (if any), and to assign the number of councillors to each ward; and
- (2) To fix the years, days, and times for the retirement of the first aldermen and councillors; and
- (3) To fix such days, times, and places, and nominate such persons to perform such duties, and make such other temporary modifications of the Municipal Corporation Acts, as may appear to her Majesty to be necessary or proper for making those Acts applicable in the case of the first constitution of a municipal borough.

The years, days, times, and places fixed by the charter, and the persons nominated therein to perform any duties, shall, as regards the borough named in the charter, be respectively substituted in the Municipal Corporation Acts for the years, days, times, places, officers, and persons therein mentioned, and the persons so nominated shall have the like powers and be subject to the like obligations and penalties, as the officers and persons mentioned in the said Acts for whom they are respectively substituted.

Subject to the provisions of the charter authorised by this section, the Municipal Corporation Acts shall, upon the charter coming into effect, apply to the municipal borough to which they are extended by the charter, in like manner as if it were a borough named in schedule B. to the Municipal Corporation Act, 1835, and as if the date of the charter were substituted in the last-mentioned Act for the time of the passing of that Act and for the fifth day of June one thousand eight hundred and thirty-five, and where the first mayor, aldermen, and councillors, or any of them, are named in the charter shall apply as if they were elected under the said Acts, and where they are not so named shall apply to their first election.

6. *Scheme for continuance or abolition of and adjustment of rights of existing local authority.* Where a petition for a charter is referred to the Committee of Council, and it is

proposed by the charter to extend the Municipal Corporation Acts to the municipal borough to be created by the charter, the Committee of Council may settle a scheme for the adjustment of the powers, rights, privileges, duties, property, and liabilities of any then existing local authority whose district comprises the whole or part of the area of that borough, either with or without any adjoining or other place, and also of any officer of that authority.

The scheme, so far as it appears to the Committee of Council to be necessary or proper for carrying into effect the said adjustment, as regards any local authority existing at the time of the making of the scheme, may contain provisions for the continuance of that authority, or for the abolition, total or partial, of that authority, or for the creation of another authority or authorities, and the alteration of the district of the existing local authority and the union or other relation of the existing local authority and the authority or authorities so created, and for the continuance, modification, transfer, vesting, and extension to the whole of the borough of all or any of the powers, rights, privileges, franchises, duties, property, and liabilities of the existing local authority, and may contain such provisions as appear to the Committee of Council to be necessary or proper for fully carrying into effect any such adjustment and provisions as aforesaid.

The scheme, when settled by the Committee of Council, shall be published in the London Gazette, and otherwise, as provided by the second schedule to this Act, and shall not be of any effect unless confirmed as herein-after mentioned.

Where, within one month after the publication of the scheme in the London Gazette, a petition against the scheme by any local authority affected thereby, or by not less than one-twentieth of the owners and ratepayers of the borough (such twentieth to be one-twentieth in number of the owners and ratepayers of the borough taken together, or the owners and ratepayers in respect of one-twentieth of the rateable property in the borough) has been received by the Committee of Council, and is not withdrawn, the scheme shall require the confirmation of Parliament, and the Committee of Council may, if they think fit, submit it to Parliament for confirmation, but otherwise at any time after the expiration of the said month, or after the withdrawal of any petition that has been presented, the Committee of Council may, if they think fit, submit the scheme for confirmation, either to Parliament or to her Majesty in Council, and in the latter case it shall be lawful for her Majesty to confirm the scheme by Order in Council.

A scheme, when confirmed by Parliament or by Order in Council, shall have full operation, with, in the former case, such modifications, if any, as are made therein by Parliament, as if it were part of this Act.

A local authority for the purposes of this Act means a sanitary authority, (not being the mayor, alderman, and burgesses of a borough subject to the Municipal Corporation Acts), also the corporation of a borough, not subject to the Municipal Corporation Acts, a burial board, trustees, commissioners, or other persons who, as a public body and not for their own profit, act under any Act for paving, lighting, supplying with water or gas, cleaning, watching, regulating, or improving any town or place, or for providing or maintaining a cemetery or market in or for any town or place, and any commissioners, trustees, or other persons (not being justices of the peace) maintaining any police force, and any other authority not above excepted, and not being a School Board, and having powers of local government and of rating for public purposes.

The district of a local authority for the purposes of this Act means the area within which such authority can exercise any powers or rights.

7. *Supplemental provisions as to scheme—24 & 25 Vict. c. 47, s. 2.* A scheme under this Act shall, before being settled by the Committee of Council, be referred for consideration to a Secretary of State and the Local Government Board, and so far as it is intended to affect any authority which is a harbour authority within the meaning of the Harbours and Passing Tolls, &c., Act, 1861, to the Board of Trade.

A scheme shall in every case provide for placing the new borough within the jurisdiction of the council as the sanitary authority.

The provisions contained in the second schedule to this Act, with respect to schemes under this Act, shall have effect as if they were enacted in the body of this Act, and that schedule shall be deemed to be part of this Act.

If the Committee of Council are satisfied that a local authority or other petitioners have properly promoted or properly opposed a scheme before them, and that for special reasons it is right that the reasonable costs incurred by the authority or other petitioners in such promotion or opposition should be paid as expenses properly incurred by the local authority in the execution of their duties, the Committee of Council may order such costs to be so paid, and these costs shall be paid accordingly.

8. *Provision as to police force in new borough.*] Nothing in any scheme or in the Municipal Corporation Acts shall authorize the establishment in a borough to which a charter is granted under this Act of a new separate police force not consolidated with the county police force, unless the district incorporated by such charter contained not fewer than twenty thousand inhabitants, according to the census taken next before the date of such incorporation.

9. *Validity of charters.*] A charter creating a municipal borough which purports to be granted in pursuance of the Royal prerogative, and in pursuance of or in accordance with this Act, shall after acceptance be deemed to be valid and within the powers of this Act and of her Majesty's prerogative, and shall not be questioned in any legal proceeding whatever.

Every such charter shall be laid before both Houses of Parliament within one month after it is granted, if Parliament be then sitting, or if not, within one month after the beginning of the then next sitting of Parliament.

10. *Saving for other enactments and Royal prerogative.*] The provisions of this Act shall be deemed to be in addition to, and not in derogation of, the powers and provisions contained in any enactment not repealed by this Act, and the powers exercisable by her Majesty by virtue of her Royal prerogative.

11. *Repeal of Acts.*] The Acts mentioned in the third schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned: Provided that—

(1.) This repeal shall not affect any charter granted, or anything done or suffered under any enactment hereby repealed; or

(2.) Any right acquired or accrued under any enactment hereby repealed; or

(3.) Any legal proceeding or remedy in respect of any such charter, thing, right, or liability.

12. *Pending petitions.*] Where a petition for a charter of incorporation presented to her Majesty is pending at the passing of this Act, the same shall be proceeded with as if such petition had been presented after the passing of this Act, and this Act shall apply accordingly; but where an Order in Council has before the passing of this Act been made directing the grant of a charter, the petition for that charter shall not be deemed to be a pending petition within the meaning of this section, and the charter granted in pursuance of such order shall for the purposes of this Act be deemed to have been granted at the date of the order, in pursuance of the enactments repealed by this Act, as if they had not been repealed.

13. *Application of Act to past charters.*] All charters purporting to have been granted in pursuance of the Royal prerogative and in pursuance of or in accordance with any enactment repealed by this Act, shall, except so far as before the passing of this Act they have been declared by the judgment of a competent court to be invalid, be as valid as if they had been granted in pursuance of this Act.

Where any such charter has been granted to a borough within seven years before the passing of this Act, the Committee of Council, on the petition to her Majesty of the mayor, aldermen, and burgesses of such borough acting by the council, or of any existing local authority whose district comprises the whole or any part of the area of that borough, either with or without any adjoining or other place, may settle a scheme under this Act in like manner as if the petition for the grant of a charter to such borough had been referred to the Committee of Council after the passing of this Act, and the provisions of this Act with respect to a scheme shall apply accordingly, with the necessary modifications; and if within one month after the publication of the scheme in the London Gazette a petition against the scheme from the council of the borough has been received by the Committee of Council and is not withdrawn, the scheme shall require the confirmation of Parliament.

FIRST SCHEDULE.

Municipal Corporation Acts.

Session and Chapter.	Title of Act.	Short Title.
5 & 6 Will. 4, c. 76	An Act to provide for the regulation of municipal corporations in England and Wales	The Municipal Corporation Act, 1835
6 & 7 Will. 4, c. 103	An Act to make temporary provision for the boundaries of certain boroughs.	The Municipal Corporation (Boundaries) Act, 1836
6 & 7 Will. 4, c. 104	An Act for the better administration of the borough fund in certain boroughs	The Municipal Corporation (Borough Fund) Act, 1836
6 & 7 Will. 4, c. 155	An Act for the better administration of justice in certain boroughs	The Municipal Corporation (Justices, &c.) Act, 1836
7 Will. 4 & 1 Vict. c. 78	An Act to amend an Act for the regulation of municipal corporations in England and Wales	The Municipal Corporation (General) Act, 1837
7 Will. 4 & 1 Vict. c. 81	An Act to provide for the levying of rates in boroughs and towns having municipal corporations in England and Wales	The Municipal Corporation (Watch Rate) Act, 1837
1 & 2 Vict. c. 31.	An Act for facilitating the sale of Church patronage belonging to municipal corporations in certain cases	The Municipal Corporation (Benefices) Act, 1838
2 & 3 Vict. c. 27	An Act for regulating the proceedings in the borough courts of England and Wales	The Municipal Corporation (Borough Courts) Act, 1839
2 & 3 Vict. c. 28	An Act for the more equally assessing and levying watch rates in certain boroughs	The Municipal Corporation (Watch Rate) Act, 1839
3 & 4 Vict. c. 28	An Act to explain and amend an Act of the second and third years of her present Majesty for more equally assessing and levying watch rates in certain boroughs	The Municipal Corporation (Watch Rate) Act, 1840
5 & 6 Vict. c. 104	An Act to explain and amend certain enactments contained respectively in the Acts for the regulation of municipal corporations in England and Wales and in Ireland	The Municipal Corporation Act, 1842
6 & 7 Vict. c. 89	An Act to amend the Act for the regulation of municipal corporations in England and Wales	The Municipal Corporation Act, 1843
8 & 9 Vict. c. 110	An Act for the better collecting borough and watch rates in certain places	The Municipal Corporation (Rates) Act, 1845
13 & 14 Vict. c. 42	An Act to confirm the incorporation of certain boroughs, and to provide for the payment of the expenses of the incorporation of new boroughs	The Municipal Corporation (Incorporation) Act, 1850

Session and Chapter	Title of Act.	Short Title.
3 & 14 Vict. c. 64	An Act to provide for more effectually maintaining, repairing, improving, and rebuilding bridges in cities and boroughs	The Municipal Corporation (Bridges) Act, 1850
13 & 14 Vict. c. 91	An Act to authorise justices of any borough having a separate gaol to commit assize prisoners to such gaol, and to extend the jurisdiction of borough justices to all offences and matters arising within the borough for which they act	The Municipal Corporation (Justices) Act, 1850
15 & 16 Vict. c. 5	An Act further to explain and amend the Acts for the regulation of municipal corporations in England and Wales and in Ireland	The Municipal Corporation Act, 1852
16 & 17 Vict. c. 79	An Act for making sundry provisions with respect to municipal corporations in England	The Municipal Corporation Act, 1853
20 & 21 Vict. c. 50	An Act to amend the Acts concerning municipal corporations in England	The Municipal Corporation Act, 1857
22 Vict. c. 35	An Act to amend the law relating to municipal elections	The Municipal Corporation Act, 1859
23 & 24 Vict. c. 16	An Act to make further provision concerning mortgages and other dispositions of property belonging to municipal corporations in England and Ireland	The Municipal Corporation (Mortgages, &c.) Act, 1860
24 & 25 Vict. c. 75	An Act for amending the Municipal Corporations Act	The Municipal Corporations Act Amendment Act, 1861
32 & 33 Vict. c. 23	An Act to extend the power of recorders to appoint deputies in certain cases	The Municipal Corporation (Recorders) Act, 1869
32 & 33 Vict. c. 55	An Act to shorten the term of residence required as a qualification for the municipal franchise, and to make provision for other purposes	The Municipal Corporation (Elections) Act, 1869

SECOND SCHEDULE.

Procedure for Schemes under the Act.

1. The Committee of Council may, if they think fit, require the draft of a proposed scheme to be submitted to them, either together with the petition for a charter, or at any subsequent period.

2. The draft of a proposed scheme, and also the scheme when settled, shall be published by advertisement or placards or handbills, or otherwise, as the Committee of Council think best calculated for giving notice thereof to all persons interested.

3. Before settling the scheme the Committee of Council shall consider any objections which may be made thereto by any local authority or persons affected thereby.

4. Where a scheme is submitted to Parliament for confirmation the Committee of Council may introduce a Bill for the confirmation of the scheme, which Bill shall be a public Bill.

5. Before such Bill is introduced into Parliament the

Committee of Council may alter the scheme in such manner as they think proper.

6. If while the Bill confirming a scheme is pending in either House of Parliament a petition is presented against the scheme, the Bill, so far as it relates to such scheme, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of a private Bill.

7. A scheme shall come into operation at the date of its confirmation or any later date mentioned in the scheme.

8. The confirmation of a scheme shall be conclusive evidence that all the requirements of this Act with respect to proceedings required to be taken previously to the making of the scheme have been complied with and that the scheme has been duly made and is within the powers of this Act.

THIRD SCHEDULE.

Enactments Repealed.

Session and Chapter.	Title of Act.	Extent of Repeal.
5 & 6 Will. 4, c. 76	An Act to provide for the regulation of municipal corporations in England and Wales	Section one hundred and forty-one
7 Will. 4 & 1 Vict. c. 78	An Act to amend an Act for the regulation of municipal corporations in England and Wales	Section forty-nine

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To enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India. Ch. 51.
- ECCLESIASTICAL APPOINTMENTS, STAMP DUTIES ON.** See Customs, Inland Revenue, and Savings Banks.
- EDUCATION BOARD (SCOTLAND):**
To continue for One Year the Board of Education in Scotland. Ch. 38.
- ENTAIL, LAW OF.** See Settled Estates.
- ESTATES, LEASING, SALE, &c., OF.** See Contingent Remainders. Exoneration of Charges. Settled Estates.
- EVIDENCE, LAW OF:**
For the Amendment of the Law of Evidence in certain cases of Misdemeanour. Ch. 14. p. 7.
- EXAMINATION OF SOLICITORS.** See Solicitors Examination, &c.
- EXCHEQUER BILLS AND BONDS:**
To raise the sum of £700,000 by Exchequer Bills or Exchequer Bonds for the service of the year ending the 31st March, 1877. Ch. 5.
- See also Treasury and Exchequer Bills.
- EXCISE.** See Customs, Inland Revenue, and Savings Banks.
- EXECUTION OF WRITS.** See Registered Writs Execution (Scotland).
- EXONERATION OF CHARGES:**
To amend the Acts 17 & 18 Vict. c. 113, and 30 & 31 Vict. c. 69 [relating to the administration of estates of deceased persons]. Ch. 34. p. 25.
- EXPIRING LAWS CONTINUANCE:**
To continue various expiring Laws. Ch. 67.
- FACTORS ACTS AMENDMENT:**
To amend the Factors Acts. Ch. 39. p. 26.
- FISHERIES (DYNAMITE):**
To prohibit the use of Dynamite or other Explosives for the purpose of catching or destroying Fish in Public Fisheries. Ch. 65. p. 58.
- FISHERIES (OYSTERS, CRABS, AND LOBSTERS):**
To amend the Law relating to the Fisheries of Oysters, Crabs, and Lobsters, and other Sea Fisheries. Ch. 42. p. 27.
- FORTIFICATIONS.** See Colonial Fortifications.
- FRIENDLY SOCIETIES FUNDS.** See Customs, Inland Revenue, and Savings Banks.
- GAME LAWS (SCOTLAND) AMENDMENT:**
To amend the Laws relating to Game in Scotland. Ch. 28.
- GAOLS.** See Prisons.
- GENERAL POLICE AND IMPROVEMENT (SCOTLAND) ACT AMENDMENT:**
To amend the General Police and Improvement (Scotland) Act, 1862 (25 & 26 Vict. c. 101). Ch. 22.
- HIGH COURT OF JUSTICE.** See Supreme Court of Judicature.
- HUSBAND AND WIFE.** See Law of Evidence Amendment. Married Women's Property (Scotland).
- INCOME TAX.** See Customs, Inland Revenue, and Savings Banks.
- INCORPORATED LAW SOCIETY.** See Solicitors Examination, &c.
- INDIA.** See East India Loan.
- INHABITED HOUSE DUTIES.** See Customs, Inland Revenue, and Savings Banks.
- INLAND REVENUE.** See Colonial Stock. Customs and Inland Revenue. Customs, Inland Revenue, and Savings Banks.
- INTOXICATING LIQUORS (SALE).** See Beer Licences (Ireland). Publicans Certificates (Scotland).
- INVENTORIES IN SCOTLAND.** See Customs, Inland Revenue, and Savings Banks.
- IRELAND, ACTS RELATING EXCLUSIVELY TO.** See Beer Licences. Constabulary. County Officers and Courts. Prisons. Public Libraries. Public Works Loans. Supreme Court of Judicature.
- JUDICATURE, COURT OF.** See Supreme Court of Judicature.
- JUDICIAL PROCEEDINGS (RATING):**
To make provision with respect to Judicial proceedings in certain cases relating to rating. Ch. 11. p. 4.
- JUSTICE, ADMINISTRATION OF.** See Companies Acts Amendment. Contingent Remainders. County Officers and Courts. Crown Office. Evidence, Law of. Exoneration of Charges. Factors Acts Amendment. Game Laws. Judicial Proceedings. Justices Clerks. Legal Practitioners. Married Women's Property. Prisons. Quarter Sessions. Registered Writs Execution. Registration of Leases. Settled Estates. Sheriff Courts. Solicitors Examination, &c. Supreme Court of Judicature. Trade Marks Registration. Winter Assizes.
- JUSTICES CLERKS:**
To amend the Law with respect to the Appointment, Payment, and Fees of Clerks of Justices of the Peace and Clerks of Special and Petty Sessions. Ch. 43. p. 29.
- LAND TAX DUTIES ON OFFICES AND PENSIONS.** See Customs and Inland Revenue.
- LAW OF ENTAIL.** See Settled Estates.
- LAW OF EVIDENCE AMENDMENT:**
For the Amendment of the Law of Evidence in certain cases of Misdemeanour. Ch. 14. p. 7.
- LEASES, REGISTRATION OF.** See Registration of Leases (Scotland).
- LEASES AND SALES OF SETTLED ESTATES.** See Settled Estates.
- LEGAL PRACTITIONERS:**
To amend the Law relating to Legal Practitioners. Ch. 62. p. 57.
- LETTERS OF ADMINISTRATION, GRANTS OF.** See Legal Practitioners.
- LIBRARIES, PUBLIC.** See Public Libraries.
- LICENCES FOR SALE OF BEER, &c.** See Beer Licences (Ireland). Publicans Certificates (Scotland).
- LIMITED OWNERS RESERVOIRS AND WATER SUPPLY FURTHER FACILITIES.** See Reservoirs.

- LOANS.** See East India Loan. Metropolitan Board of Works. Public Works Loans.
- LOBSTER FISHERIES.** See Fisheries, &c.
- LOCAL TAXATION RETURNS :**
To amend the Law with respect to the Annual Returns of Local Taxation in England, and for other purposes relating to such Taxation. Ch. 66. p. 58.
- MARINE MUTINY :**
For regulation of Her Majesty's Royal Marine Forces while on shore. Ch. 8.
- MARRIED WOMEN'S PROPERTY (SCOTLAND) :**
For the protection of the Property of Married Women in Scotland. Ch. 29.
- MERCANTILE MARINE FUND.** See Superannuation (Mercantile Marine).
- MERCHANT SHIPPING ACT, 1854.** See Removal of Wrecks.
- METROPOLITAN BOARD OF WORKS :**
For further amending the Acts relating to the raising of Money by the Metropolitan Board of Works, and for other purposes relating thereto. Ch. 52.
- METROPOLITAN OPEN SPACES :**
For affording Facilities for the enjoyment by the Public of Open Spaces in the Metropolis. Ch. 35. p. 25.
- MISDEMEANOUR.** See Law of Evidence Amendment.
- MORTGAGE.** See Exoneration of Charges.
- MUNICIPAL CORPORATIONS (NEW CHARTERS) :**
To amend the Law with respect to Grant of Municipal Charters. Ch. 69. p. 59.
- MUSIC, SCHOOLS OF.** See Public Libraries (Ireland).
- MUTINY :**
For punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters. Ch. 7.
For Regulation of Her Majesty's Royal Marine Forces while on shore. Ch. 8.
- NAVY.** See Marine Mutiny.
- NEW CHARTERS.** See Municipal Corporations.
- OFFICES AND PENSIONS, DUTIES ON.** See Customs and Inland Revenue.
- OPEN SPACES (METROPOLIS).** See Metropolitan Open Spaces.
- OXFORD AND CAMBRIDGE UNIVERSITIES :**
To make further provision respecting the Universities of Oxford and Cambridge and the Colleges therein. Ch. 48. p. 31.
- OYSTER FISHERIES.** See Fisheries, &c.
- PETTY SESSIONS CLERKS, &c.** See County Officers and Courts. Justices Clerks, &c.
- POACHING.** See Game Laws (Scotland) Amendment.
- POLICE.** See Constabulary (Ireland) Acts Amendment. General Police and Improvement (Scotland) Act Amendment. Police (Expenses) Act Continuance.
- POLICE (EXPENSES) ACT CONTINUANCE :**
To continue for one year the Police (Expenses) Act, 1875, 38 & 39 Vict. c. 48. Ch. 58.
- POST OFFICE SAVINGS BANKS FUNDS.** See Customs, Inland Revenue, and Savings Bank.
- POST OFFICE TELEGRAPHS.** See Telegraphs (Money).
- PRESERVATION OF CROPS.** See Destructive Insects.
- PRESERVATION OF GAME.** See Game Laws (Scotland) Amendment.
- PRISONS (ENGLAND) :**
To amend the Law relating to Prisons in England. Ch. 21. p. 13.
- PRISONS (IRELAND) :**
To amend the Law relating to Prisons in Ireland. Ch. 49.
- PRISONS (SCOTLAND) :**
To amend the Law relating to Prisons in Scotland. Ch. 53.
- PROBATE, GRANTS OF.** See Legal Practitioners.
- PROCURATORS FISCAL.** See Sheriff Courts (Scotland).
- PROPERTY OF MARRIED WOMEN.** See Married Women's Property (Scotland).
- PUBLICANS CERTIFICATES (SCOTLAND) :**
To amend the Publicans Certificates (Scotland) Act, 1876 (39 & 40 Vict. c. 26). Ch. 3.
- PUBLIC LIBRARIES :**
To amend the Public Libraries Acts (18 & 19 Vict. c. 40, 29 & 30 Vict. c. 114, and 30 & 31 Vict. c. 37). Ch. 54. p. 33.
- PUBLIC LIBRARIES (IRELAND) :**
To amend the Public Libraries (Ireland) Act (18 & 19 Vict. c. 40). Ch. 15.
- PUBLIC LOANS REMISSION.** See Public Works Loans. Public Works Loans (Ireland).
- PUBLIC RECORD OFFICE :**
To amend the Public Record Office Act, 1838 (1 & 2 Vict. c. 94). Ch. 55. p. 38.
- PUBLIC WORKS LOANS :**
To grant Money for the purpose of Loans by the Public Works Loan Commissioners, and authorise those Commissioners to compound a loan and interest, and amend the Public Works Loans Act, 1875 (38 & 39 Vict. c. 89). Ch. 19.
To remit certain Loans formerly made out of the Consolidated Fund or other Public Revenue of the United Kingdom. Ch. 32.
- PUBLIC WORKS LOANS (IRELAND) :**
To grant Money for the purposes of Loans by the Commissioners of Public Works in Ireland, and to remit certain Loans, and to amend the Law relating to Loans for public purposes by the Commissioners of Public Works in Ireland. Ch. 27.
- QUARTER SESSIONS :**
To amend the Law relating to the Division of Courts of Quarter Sessions in Boroughs. Ch. 17. p. 8.
— See also County Officers and Courts (Ireland).
- RATING.** See Judicial Proceedings (Rating).
- REAL ESTATES.** See Exoneration of Charges. Settled Estates.
- RECORDS, PUBLIC.** See Public Record Office.
- REGISTERED WRITS EXECUTION (SCOTLAND) :**
To amend the Form of Warrant of Execution on certain Extracts of Writs registered in the Books of Council and Session and Sheriff Court Books in Scotland; and to provide for the Authentication of certain Extracts of Writs. Ch. 40.
- REGISTRATION OF LEASES (SCOTLAND) :**
To amend the Registration of Leases (Scotland) Act, 1857 (20 & 21 Vict. c. 26). Ch. 36.
- REGISTRATION OF TRADE MARKS.** See Trade Marks Registration.
- REMAINDERS (CONTINGENT).** See Contingent Remainders.
- REMISSION OF LOANS.** See Public Works Loans. Public Works Loans (Ireland).
- REMOVAL OF WRECKS :**
To facilitate the removal of Wrecks obstructing Navigation. Ch. 16. p. 7.
- RESERVOIRS :**
To give further facilities to Landowners of limited interests in England and Wales and Ireland to charge their estates with the expenses of constructing Reservoirs for the storage of Water, and other similar purposes. Ch. 31. p. 24.
- ROYAL IRISH CONSTABULARY.** See Constabulary (Ireland) Acts Amendment.
- ROYAL MARINES.** See Marine Mutiny.
- ROYAL NAVY.** See Marine Mutiny.
- SALES, &c., OF SETTLED ESTATES.** See Settled Estates.
- SAVINGS BANKS.** See Customs, Inland Revenue, and Savings Banks.

SCHOOLS OF MUSIC. See Public Libraries (Ireland).

SCOTLAND, ACTS RELATING EXCLUSIVELY TO. See Board of Education. Game Laws. General Police and Improvement. Married Women's Property. Prisons. Publicans Certificates. Registered Writs Execution. Registration of Leases. Sheriff Courts.

SEA FISHERIES. See Fisheries (Oysters, Crabs, and Lobsters).

SETTLED ESTATES:

To consolidate and amend the Law relating to Leases and Sales of Settled Estates. Ch. 18. p. 8.

SHERIFF COURTS (SCOTLAND):

To amend the Law in regard to the appointment of Sheriffs Substitute and Procurators Fiscal in Scotland; to extend the jurisdiction of and amend the procedure in the Sheriff Courts of Scotland; and for certain other purposes connected therewith. Ch. 50.

— See also Registered Writs Execution.

SOLICITORS. See Legal Practitioners. Solicitors Examination.

SOLICITORS EXAMINATION, &c.:

For regulating the Examination of persons applying to be admitted Solicitors of the Supreme Court of Judicature in England, and for otherwise amending the Law relating to Solicitors. Ch. 25. p. 20.

SOUTH AFRICA:

For the Union under one Government of such of the South African Colonies and States as may agree thereto, and for the Government of such Union; and for purposes connected therewith. Ch. 47.

STAMP DUTIES. See Colonial Stock. Customs, Inland Revenue, and Savings Banks.

STOCK, COLONIAL. See Colonial Stock.

SUPERANNUATION (MERCANTILE MARINE):

To make provision respecting the Superannuation Allowance of Officers whose Salaries were formerly payable out of the Mercantile Marine Fund. Ch. 44.

SUPPLY. See Consolidated Fund. Exchequer Bills and Bonds.

SUPREME COURT OF JUDICATURE:

For amending the Supreme Court of Judicature Acts, 1872 and 1875 (36 & 37 Vict. c. 66, and 38 & 39 Vict. c. 77). Ch. 9. p. 3.

SUPREME COURT OF JUDICATURE (IRELAND):

For the constitution of a Supreme Court of Judicature, and for other purposes relating to the better administration of Justice, in Ireland. Ch. 57.

TAXATION, LOCAL. See Local Taxation Returns.

TEA DUTIES. See Customs, Inland Revenue, and Savings Banks.

TELEGRAPHS (MONEY):

For enabling a further Sum to be raised for the Purposes of the Telegraph Acts, 1868 to 1870 (31 & 32 Vict. c. 110, 32 & 33 Vict. c. 73, and 33 & 34 Vict. c. 88). Ch. 30.

TEXTILE INDUSTRIES. See Trade Marks Registration.

TRADE MARKS REGISTRATION:

For extending the Time for the Registration of Trade Marks, in so far as relates to Trade Marks used in Textile Industries. Ch. 37. p. 26.

TRANSFER OF STOCK. See Colonial Stock.

TREASURY AND EXCHEQUER BILLS:

To provide for the preparation, issue, and payment of Treasury Bills, and make further provision respecting Exchequer Bills. Ch. 2.

— See also Exchequer Bills and Bonds.

TREASURY CHEST FUND:

To limit and regulate the Treasury Chest Fund. Ch. 45.

TURNPIKE ACTS CONTINUANCE:

To continue certain Turnpike Acts in Great Britain, and to repeal certain other Turnpike Acts; and for other purposes connected therewith. Ch. 64.

UNIVERSITIES OF OXFORD AND CAMBRIDGE. See Oxford and Cambridge Universities.

WATER SUPPLY. See Reservoirs.

WINTER ASSIZES:

To extend the provisions of the Winter Assizes Act, 1876 (39 & 40 Vict. c. 57). Ch. 46. p. 31.

[NOTE.—Provisions of the Winter Assizes Act, 1876 (39 & 40 Vict. c. 57) extended to Ireland by section 63 of 40 & 41 Vict. c. 57.]

WRECK REMOVAL. See Removal of Wrecks.

WRITS EXECUTION (SCOTLAND). See Registered Writs Execution (Scotland).

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